

From[redacted]

Sent: 26 January 2022 17:08

To: [redacted]@assured.systems.gov.scot' <[redacted]
@assured.systems.gov.scot>

Cc: [redacted]@assured.systems.gov.scot

Subject: RE: Programme for Government and JI Business Planning

Hi [redacted],

Thanks for coming back to me. We understand that Sheriff Duff, our former Director who retired in December, was involved in the Domestic Abuse (Protection) (S) Act Implementation Board but we aren't sure if that was a one-off or something which he attended regularly.

I'm also not sure if there is an expectation for someone else from the JI to be involved in the Board – would you be able to let me know the answer to that please?

Finally, could you provide me with a bit of detail on the purpose of the group please?

Many thanks

[redacted]

[redacted]

Legal and Secretariat Manager

Judicial Institute for Scotland | Parliament House | 11 Parliament Square | Edinburgh | EH1 1RQ | Tel:

[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot>

Sent: 05 April 2022 18:24

To: [redacted]< [redacted]@scotcourts.gov.uk>

Subject: RE: Recommendations for Office of Senator of the College of Justice & Office of the Sheriff
Principal 2022

Hi [redacted]

It's me again – pest! 📧

Can I ask do you know who replaced Sheriff Alistair Duff following his retirement from the Judicial Institute?

Kind regards,

[redacted]

[redacted] | Judicial Appointments Manager | Civil Law and Legal System | GW15, St
Andrew's House, Edinburgh | EH1 3DG

[redacted]

From: [redacted],
Sent: 12 January 2022 12:04
To: [redacted]
Cc: [redacted]
Subject: RE: Bundles of authorities and productions [redacted]

Dear [redacted]

Thank you for your email. We will send the authorities on to the Presenting Officer shortly.

Separately, further to your email of yesterday evening, we should be grateful if the Tribunal could explain the reasoning behind [redacted] replacement of Sheriff Alistair Duff.

Finally, I note that we requested responses to our letters of 5 and 7 January by 5pm today and would be grateful if you could confirm that we will, indeed, receive those responses today.

Kind regards
[redacted]

From: [redacted]@scotcourts.gov.uk>
Sent: 12 January 2022 18:48
To: [redacted]
Cc: [redacted]
Subject: RE: Bundles of authorities and productions [redacted]

Dear [redacted]

Thank you for sending the authorities to the Presenting Officer.

The reason for the change of membership is because Sheriff Duff has retired from office and is no longer a Sheriff.

[redacted] has been appointed by the First Minister as Sheriff Duff's replacement.

The tribunal met earlier this evening. I should have a reply to your letters by tomorrow morning.

Kind regards,
[redacted]
[redacted] | Judicial Office for Scotland
Parliament House | Edinburgh | EH1 1RQ | [redacted]

From: [redacted]
Sent: 12 January 2022 12:04
To: [redacted]@scotcourts.gov.uk>
Cc: [redacted]
Subject: RE: Bundles of authorities and productions [redacted]

Dear **[redacted]**

Thank you for your email. We will send the authorities on to the Presenting Officer shortly.

Separately, further to your email of yesterday evening, we should be grateful if the Tribunal could explain the reasoning behind **[redacted]** replacement of Sheriff Alistair Duff.

Finally, I note that we requested responses to our letters of 5 and 7 January by 5pm today and would be grateful if you could confirm that we will, indeed, receive those responses today.

Kind regards
[redacted]

[redacted]
Judicial Office for Scotland
Parliament House
Edinburgh
EH1 1RQ

Direct Dial: **[redacted]**
Email: **[redacted]**

16 January 2022

By email only: **[redacted]**@scotcourts.gov.uk

Dear Sir

[redacted].

We write further to your emails of 11 and 12 January 2022, in which you set out **[redacted]** replacement of Sheriff Alistair Duff as a member of the Tribunal in this matter, and the purported reason for this change in the Tribunal's composition.

We have become aware that Alistair Duff ceased to hold judicial office on 1 December 2021 and that he has been arrested by the police. **[redacted].**

We are sending this letter over the weekend as we have only recently been made aware of Sheriff Duff's resignation by you **[redacted].**

Please acknowledge receipt of this letter as soon as read.

[redacted].

[redacted].

Questions

[redacted].

1. Press reports last week say that Alistair Duff was arrested “last month”. When, precisely, was he arrested, as far as is known to the Tribunal?

2. Press reports say that the Office of the Scottish Judiciary are saying that Alistair Duff stood down from judicial office “on 1 December 2021”. That resignation appears not to have been made public at the time. When did the Tribunal become aware that he had resigned from judicial office?

3. Press reports are saying that Alistair Duff resigned from judicial office because he was being charged by the police for some as yet unknown offence. Was this the reason given to the Tribunal for his resignation?

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

Request for documents

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

6. The terms of the resignation from the panel by Alistair Duff;

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

Yours sincerely

[redacted]

By email
17 January 2022

**Parliament House Edinburgh
EH1 1RQ**

[redacted]

[redacted]@scotcourts.gov.uk

Dear [redacted]

[redacted].

I refer to your letter of 16 January 2022. I have spoken with the Chair of the Tribunal, the Lord Justice Clerk and the other members who have asked me to reply. Please note that a copy of your letter and this reply has been sent to the Presenting Officer.

I now turn to the questions raised in your letter.

1. Press reports last week say that Alistair Duff was arrested “last month” When, precisely, was he arrested, as far as is known to the Tribunal?

The Tribunal does not know this information.

2. Press reports say that the Office of the Scottish Judiciary are saying that Alistair Duff stood down from judicial office “on 1 December 2021”. That resignation appears not to have been made public at the time. When did the Tribunal become aware that he had resigned from judicial office?

The Chair of the Tribunal became aware of Sheriff Duff's retirement from judicial office on 13 December 2021. [redacted].

3. Press reports are saying that Alistair Duff resigned from judicial office because he was being charged by the police for some as yet unknown offence. Was this the reason given to the Tribunal for his resignation?

Sheriff Duff retired from judicial office on 1 December 2021. No reason for his decision to retire was given.

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted]

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

In respect of your request for documents.

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

6. Not held [redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

Yours sincerely [redacted].

Clerk to the Tribunal

From: [redacted]@scotcourts.gov.uk

To: [redacted]

Sent: 03 November 2021

Subject: [redacted]

[redacted]

Sheriff Alistair Duff is unable to fulfil his duties, because of personal matters, as the Shrieval member in relation to the [redacted] Tribunal, [redacted].

[redacted].

[redacted].

[redacted].

Do let me know if you wish to discuss further.

Thanks,

[redacted] | Judicial Office for Scotland

First Minister

Nicola Sturgeon MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [redacted]

E: [redacted]

The Rt Hon Lord Carloway
Lord President
Parliament House
Edinburgh
EH1 1RQ

December 2021

[redacted].

I have been informed that Sheriff Alastair Duff is unable to continue in his role on the tribunal considering [redacted]. [redacted], is invited to serve on the tribunal in accordance with the statutory criteria in section 21 of the Courts Reform (Scotland) Act 2014.

[redacted]
Courts and Tribunals
17 May 2022

FIRST MINISTER

SUBMISSION ON [redacted] TRIBUNAL

Purpose

[redacted].

Priority

[redacted].

Background

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

1. In any case, [redacted] one of the members, Sheriff Duff has resigned from office.

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

RECOMMENDATION

[redacted].

[redacted].

[redacted].

[redacted].

Courts and Tribunals

Copy List:	For Action	For Comme nts	For Information		General Awarene ss
			Portfo lo ntere st	Consti ntere st	

Cabinet Secretary for Justice and Veterans Minister for Community Safety and Legal Affairs Lord Advocate Solicitor General					X X X
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DG Education and Justice Director of Justice Solicitor to the Scottish Government [redacted]. [redacted]. [redacted]. [redacted]. [redacted]. [redacted]. [redacted]. [redacted]. [redacted]. Communications Justice

[redacted]
Courts and Tribunals

FIRST MINISTER

SUBMISSION – [redacted].

PURPOSE

[redacted].

PRIORITY

[redacted].

BACKGROUND

[redacted].

1. [redacted].

[redacted]. [redacted].

REQUEST TO APPOINT NEW SHRIEVAL MEMBER

2. Sheriff Alistair Duff is now unable to fulfil his duties as a tribunal member due to personal matters. [redacted].

[redacted].

[redacted].

3. [redacted].

[redacted].

[redacted].

[redacted].

RECOMMENDATION

4. We recommend that you:

[redacted].

[redacted]

Courts and Tribunals Unit
1 December 2021

Copy List:	For Action	For Comments	For Information Portfolio of Interest	Constitutional Interest	General Awareness
Cabinet Secretary for Justice and Veterans Minister for Community Safety and Legal Affairs Lord Advocate Solicitor General					<p>X</p> <p>X</p> <p>X</p>

DG Education and Justice
Director of Justice
Solicitor to the Scottish Government
[redacted].
[redacted].
[redacted].
[redacted].
[redacted].
[redacted].
[redacted].
[redacted].
[redacted]. [redacted].
Communications Justice

Hi [redacted]

Mr Brown has noted and is content to clear.

Many thanks,
[redacted]

[redacted]

Private Secretary to Cabinet Secretary for Justice and Veterans – Keith Brown MSP

Scottish Government | Riaghaltas na h-Alba | St Andrew's House | 1W.11 | Regent
Road | Edinburgh | EH1 3DG

[redacted]



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From: [redacted]@gov.scot>

Sent: 11 October 2022 15:09

To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: [redacted]

Subject: CAB SEC CLEARANCE PLS: Sheriff Alistair Duff story

Dear Cab Sec,

Grateful for your consideration of a response to a query from [redacted] about a Sheriff who is set to appear in court later this month.

The following has been agreed with policy officials and spads.

Many thanks
[redacted]

Issue: Sheriff Alistair Duff was arrested and charged by police last year. Police Scotland, the Crown Office and Judicial Office for Scotland have refused to reveal any information on the investigation or what he was charged with. Russell Findlay has submitted questions to parliament about this, - which were rejected as the case is active. He has then criticised this, and has suggested that Mr Duff may be being treated more favourably than an ordinary member of the public is deeply concerning." SG have been asked for comment.

Suggested comment:

A Scottish Government spokesperson said: "Decisions about the validity of Parliamentary questions are entirely a matter for the Scottish Parliament.

"In terms of the ongoing court case, the Scottish Government has no involvement in it as these are operational matters for independent justice agencies and bodies. As is always the case, the Scottish Government does not comment on any proceedings being heard in Scotland's criminal courts."

[redacted]

[redacted]

Senior Media Manager | Communications Justice and Constitution, External Affairs and Culture

Scottish Government, St Andrew's House, Edinburgh, EH1 3DG

[redacted]

[redacted]

www.gov.scot/news [redacted]

Afternoon.

As per phone call, I am doing a story on Sheriff Alistair Duff.

He was head of the Judicial Institute for Scotland, which trains Scottish judges, was a Scottish Sheriff himself and also sat on the Fitness for Judicial Office Tribunal which rules on judicial misconduct So, as well as being a member of the judiciary, he trained Scotland's judges and also sat in judgment of them.

He was arrested and charged by police last year. Police Scotland, the Crown Office and Judicial Office for Scotland have refused to reveal any information on the investigation or what he was charged with.

On 8 September Russell Findlay MSP submitted the following two Written Questions to parliament: TATSG for details of any internal communications involving Scottish Ministers and officials, and any external communications, in respect of a Police Scotland investigation which resulted in Sheriff Alistair Duff being arrested and charged.

TATSG for details of any internal communications involving Scottish Ministers and officials, in respect of the role of Sheriff Alistair Duff as director of the Judicial Institute for Scotland, following a Police Scotland investigation which resulted in him being arrested and charged.

It took until 6 October for parliament to reject his questions, on the apparent basis that “the case is active and that it is therefore live for the purposes of sub judice”.

He disagrees with parliament’s rejection and has asked for a copy of the legal advice, which was also rejected, and the name of the person who gave it.

Russell said: “I’m disappointed that parliament has refused to accept my two reasonable questions about this sheriff and whether SNP ministers have had any knowledge of this mysterious case.

“Journalists and politicians seeking basic information about the nature of this Police Scotland investigation have been repeatedly stonewalled, which is contrary to open justice and at odds with typical access to such information.

"Despite Holyrood’s rejection of these questions, transparency must prevail, and I remain determined to get answers.

“Any suspicion that a well-connected member of Scotland’s judicial elite could be treated more favourably than an ordinary member of the public is deeply concerning.”

Just looking for a response on it all, specifically to **[redacted]** comments.