

td

14.JAN.2009 14:10 01293604306

XAFINITY PAYMASTER

#2616 P.001 /003

xafinity paymaster

Xafinity Paymaster
Sutherland House
Russell Way
Crawley
West Sussex
RH10 1UH

15/1/09

By Fax: 0131 244 8825

Tel: 01293 604900
Fax 01293 604906

Judicial MEP and Political Salaries

Our Ref: 12038

14 January 2009

Dear [redacted]

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

Sheriff Andrew Lothian

Net Service Award	292,620.00
Tax on Service Award (40%)	235,280.00
NIERS (12.8%)	211,288.60
TOTAL FUNDING REQUESTED	299,488.60

Requested for confirmation on: 28 JANUARY 2009	For issue on: 30 JANUARY 2009
On behalf of Xafinity Paymaster	
Name: [redacted]	Signature: <i>[Signature]</i>
On behalf of the Scottish Executive	
Name: [redacted]	Signatory: [redacted]
Telephone No ... 0131 244 8825	Date ... 15/1/09



Paymaster (1838) Limited
Registered Office: Sutherland House, Russell Way, Crawley, West Sussex RH10 1UH
Registered in England and Wales No. 2848780
Paymaster (1838) Limited is authorised and regulated by the Financial Services Authority
A Treasury Limited Company

Calls may be monitored or recorded for quality and training purposes

Service Award Calculation Sheet

Name	LOTHIAN
Payroll Reference	12038
Net Service Award	£52,800.00
Tax (40%)	£21,120.00
Gross (without NIERS)	£316,800.00
NIERS (12.8%)	£40,569.60
TOTAL GROSS FUNDING	£357,369.60

Calculated by:

 _____

Date:

14/01/2008

Checked by:

 _____

Date:

14/1/09

Judicial Appointments – Close Paymaster Record Notification

Payee Name Sheriff Andrew Lothian

Pay Reference 12038

Payee's Official Location Address Edinburgh Sheriff Court

Payroll Authority from SEJD

Authority Registration No 74/09 (68/08 Intimated retiral on 21 November)

This payee has:

- retired
- retired, ill health
- ended his/her entitlement to _____ allowance
- died in service
- other (please state)

Last day for pay/allowance _____ 26 _____

Last day for Widow/er's pension contributions _____ 20 _____

Last day for AVC (if applicable) _____ 20 _____

Service Award - amount payable to Judge £52,920

Please advise us of any tax and employees NI contributions

Current home address: [REDACTED]

(NB If the payee has died, the P45 and the notification of balance outstanding or due to be sent to Judicial HR Division/SEJD/NICS)

Form completed by [REDACTED]

You are authorised to make the necessary changes to the payroll, and to close the record.

Signature [REDACTED]

Name [REDACTED]

Date 7/1/09

PA(J)1 - v1.0 Jan 2003

Send this form when signed to:
[REDACTED] Xfinity Paymaster, Judicial Payroll Section, Sutherland House, Russell Way, Crawley
RH10 1UH

Constitution, Law and Courts Directorate
Legal System Division

T: 0131-244 3570 F: 0131-244 8325
E: [REDACTED]

[REDACTED]

17 December 2008

Dear Sheriff Nathan

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

[REDACTED]
[REDACTED]

Hayweight House, 23 Lauriston Street, Edinburgh EH3 9DQ
www.scotland.gov.uk
MW004



[REDACTED]

From: [REDACTED]
Sent: 18 December 2008 17:08
To: (judicialsalaries@xfinitypaymaster.com)
Subject: Sheriff Lothian Ref 12038

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.

[REDACTED]
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
E: [REDACTED]

Sheriff A Lothian
[REDACTED]

16 December 2008

Dear Sheriff Lothian

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 lieu of 1 day's annual leave.

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

Yours sincerely

[REDACTED]
[REDACTED]

Hayweight House, 23 Lauriston Street, Edinburgh EH3 9DQ
www.scotland.gov.uk
MW004



Constitution, Law and Court Directorate
Legal System Division

T: 0131-244 3570 F: 0131-244 8325
E: [REDACTED]

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

16 December 2008
[REDACTED]

JUDICIAL PENSION AWARD APPLICATION

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

Sheriff Lothian was born on [REDACTED]. 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

The Sheriff opted for [REDACTED] and paid periodical contributions towards the cost of that pension as follows;

[REDACTED]
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, 16, 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:-

[REDACTED]

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

[REDACTED]

[REDACTED]
Courts Directorate

Encs

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))

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 x 1/12 x 9/30 = £03,080.00

1.12.07 - 31.3.08 = £123,200 x 4/12 = £41,066.67

1.4.08 - 31.10.08 = £126,400 x 7/12 = £73,733.33

1.11.08 - 21.11.08 = £126,400 x 1/12 x 21/30 = £07,373.33

Total = £125,253.33

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
[REDACTED] = [REDACTED]

Gross Lump Sum = Pension x 2.25
£58,800.00 x 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
£125,253.33 - £117,600.00 x 20/40 (or 1/2) = £3,826.67

Widow's Pension = [REDACTED]
[REDACTED] = [REDACTED]

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 = £62,626.67
Rounded up = £62,627.00 pa

Widow's Pension [REDACTED]
Rounded up [REDACTED]

Net Lump Sum = £79,380.00 + £5,166.01 = £84,546.01
Rounded up = £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
2	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 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 I 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 LOTHIAN 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
1st January 2008

Signature Andrew Lothian
Date 11/12/2008
Current Judicial Appointment ** Sheriff
(Lothian & Bales) Retired
21 Nov 2008

* Please insert full name.

* If appointment has ceased please insert the final appointment held.

CONFIDENTIAL

THE JUDICIAL PENSIONS AND RETIREMENT 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 [REDACTED]

3. Date of marriage [REDACTED]

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.

6. 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.

7. 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
None	

8. Full names and dates of birth of children age 16 and over who are undergoing full-time education or full-time training (to last for at least two years) for any trade or profession, for which training any pay received does not exceed £1,702 a year. Please enclose the full birth certificate for each child for inspection and return.

NAME	DATE OF BIRTH
.....
.....
.....

DECLARATION

I declare the information given to be correct.

Signature:

Andrew Lofman

Name (please print)

ANDREW LOFMAN

Date

4 / 12 / 2008

FOR OFFICIAL USE ONLY

Marriage and birth certificates inspected and returned? 16/12/08

Officer's pensionable pay on cessation of appointment

£125,253.33

Signature of responsible officer



Date

16/12/08

[Redacted]

Edinburgh

[Redacted]

10/12/08

Dear [Redacted],

Many thanks for your helpful letter of 2nd inst. I would have replied sooner but have been awaiting a copy marriage certificate.

I would confirm that I would check the provisions of the Judicial Pensions & Retirement Act 1983 based on the figures in the fourth paragraph of your letter.

The only matter I would advise in my "on age" pension, which I have received since 2007. Does it continue to be paid separately?

I enclose herewith

the undivided documents are
thank you for your help

Yours sincerely

Andrew Tolson

Constitution, Law and Courts Directorate
Legal System Division

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

E: [REDACTED]



2 December 2008

Dear Sheriff Hottel

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, [REDACTED] 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, [REDACTED] 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 under the 1993 scheme you should complete the enclosed election to transfer form, Form B2 and the Bank Details Form.

Whichever scheme you choose you should return the appropriate forms along with your 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

[Redacted signature]

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 21.11.08
Completed Service 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 $\frac{1}{40}$ / $\frac{80}{80}$
£126,400.00 x 40/80 = £ 63,200.00 pa

Widow's Pension = [REDACTED] = [REDACTED]

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 3/4 = £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 - £94,800.00 = £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 I Gross Lump Sum = £50,560.00

Service Award Details:-

Net Amount payable to = £50,560.00

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))

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 x 1/12 x 9/30 = £03,080.00

1.12.07 - 31.3.08 = £123,200 x 4/12 = £41,066.67

1.4.08 - 31.10.08 = £126,400 x 7/12 = £73,733.33

1.11.08 - 21.11.08 = £126,400 x 1/12 x 21/30 = £07,373.33

Total = £125,253.33

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

= [REDACTED]

Gross Lump Sum = Pension x 2.25
£58,800.00 x 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
£ 125,253.33 - £117,600.00 x 20/40 (or 1/2)

= £3,826.67

Widow's Pension = [REDACTED]

= [REDACTED]

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 = [REDACTED]
Rounded up

= [REDACTED]

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 2/3	= 20.0000 yrs
2	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 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 I Gross Lump Sum = £52,290.00

Service Award Details:-

Net Amount payable to = £52,290.00

[REDACTED]

From: [REDACTED]
Sent: 24 November 2008 10:52
To: 'Fenton, Val'
Subject: Sheriff Andrew Lothian

[REDACTED]

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

[REDACTED]

Sheriff Lothian
[Signature]
F.L.A.

[Redacted]

From: [Redacted]
Sent: 10 December 2008 23:40
To: [Redacted]
Subject: RE: Sheriff Lothian: Payment in lieu of untaken leave

content

From: [Redacted]
Sent: 03 December 2008 11:02
To: [Redacted]
Subject: Sheriff Lothian: Payment in lieu of untaken leave

[Redacted]

[Redacted] at Edinburgh Sheriff Court has contacted me regarding the above.

The shrieval leave year runs 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?

[Redacted]

[Redacted]

Dear [Redacted]

Thank you
if you talked of 27th mt.
I look forward to
hearing from [Redacted]

As regards the
salary matter, I am
not sure if it is
relevant here. I should
mention that I had
five days leave
outstanding as at

Let's get started

You smooch

Andrew Lobian

Constitution, Law and Courts Directorate
Legal System Division

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

E: [REDACTED]

[REDACTED]



27 November 2008

Dear Sheriff Lott

NOTIFICATION OF RETIRAL

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

I have asked [REDACTED] to make the arrangements for payment of your judicial pension and she will send 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

A. M. Kay

[REDACTED]
DEPUTY DIRECTOR

Judicial Appointments – Close Paymaster Record Notification

Payee Name Sheriff Andrew Lothian _____

Pay Reference _12038_____

Payee's Official Location Address _Edinburgh Sheriff Court_____

Payroll Authority from SEJD

Authority Registration No 68/2008_____

This payee has:

- retired
- retired, ill health died in service
- ended his/her entitlement to _____ allowance
- other (please state)

Last day for pay 21 November 2008 _____ 20 _____

Last day for Widow/er's pension contributions _____ N/A _____ 20 _____

Last day for AVC (if applicable) _____ N/A _____ 20 _____

Service Award - amount payable to judge _____ To be notified at a later date
Please advise us of any tax and employees NI contributions

Current home address: _____

(NB If the payee has died, the PMS and the notification of balance outstanding or due to be sent to Judicial HR Division/SEJD/NICIS)

Form completed by _____

You are authorised to make the necessary changes to the payroll, and to close the record.

Signature _____

Name _____

Date _____

PA(J)1 - v1.0 Jan 2003

Send this form when signed to:

Kaffinly Paymaster, Judicial Payroll Section, Sutherland House, Russell Way, Crawley
RH10 1UH

[REDACTED]
From:
Sent:
To:
Subject:

[REDACTED]
27 November 2008 18:32
[REDACTED]
REMOVAL FROM PAYROLL

[REDACTED]
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 you contacted you direct.

Regards
[REDACTED]

1. Draft Acknowledgement of Retiral from 21 Nov 08
2. Pension Arrangements at Sheriff's Office
3. Draft Submission to CSO
(to design retirement)
4. Sheriff's Office Pension

Mr. Donn McKay
Deputy Director
Legal System Division
Constitutional Law and Equal Director
The Scottish Government
2nd Floor West
St Andrew's House
EDINBURGH EH1 3JG

21 November 2008

Dear Mr McKay

RETIRAL

I write to intimate my retirement from office as a Sheriff of Lothian and Borders with immediate effect.

I shall be grateful if you will be in hand the necessary arrangements for termination of salary and payment of pension.

Yours sincerely,

Andrew McCallum

SHERIFF ANDREW MCCALLUM

Sheriff Lothian

[REDACTED]

From: McKay C (Colin)
Sent: 25 November 2008 13:39
To: [REDACTED]
Cc: [REDACTED] Communications Justice; [REDACTED] (Communications); [REDACTED]
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 s12 of the Sheriff Courts (Scotland) Act 1971 - see link https://www.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1971/ukpga_19710058_en_3#pt1-pb5-11g17

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 office, 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: [REDACTED]
Sent: 25 November 2008 12:08
To: Communications Justice; McKay C (Colin); [REDACTED] (Communications)
Cc: [REDACTED]
Subject: RE: Sheriff Lothian

Some additional questions, just received.

Hi [REDACTED]

Can 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
[REDACTED]

0141 331 4727

-----Original Message-----

From: [REDACTED] On Behalf Of Communications Justice
Sent: 25 November 2008 11:48
To: McKay C (Colin); [REDACTED] (Communications); Communications Justice
Cc: [REDACTED]
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.

[REDACTED]

-----Original Message-----

From: McKay C (Colin)
Sent: 24 November 2008 10:15
To: [REDACTED] (Communications); Communications Justice
Cc: [REDACTED]
Subject: RE: Sheriff Lothian

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

C

[REDACTED]

From: McKay C (Colin)
Sent: 24 November 2008 10:17
To: [REDACTED]
Subject: FW: Sheriff Andrew Lothian CONFIDENTIAL
Sensitivity: Confidential

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

C

From: McKay C (Colin)
Sent: 21 November 2008 19:04
To: 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 retirement has not yet been announced, 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 [REDACTED] of the Scottish Courts Service [REDACTED] but we are not saying anything other than to confirm the fact of his immediate retirement.

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

[REDACTED]

Colin McKay
Deputy Director
Legal System Division