

## LORD GILL

We are here to say our farewells to our Lord President and Lord Justice General, whose legal career has spanned over half a century, since graduation from his native Glasgow University.

His distinguished path from passing advocate in 1967 to becoming Lord President is a matter of record, if not legend.

He was appointed Senator of the College of Justice in 1994.

As a Lord Ordinary he was the first instance judge in many of the important trials and proofs of the time. In particular he was to preside over the many litigations which sprang up around the sinking of the oil tanker “Braer”, which spilled 90,000 tonnes of crude oil off Shetland in 1993. That apart, he began to carve his name into the annals of the Lands Valuation Appeal Court from the turn of the millennium.

His contribution to law reform was cemented during his time as Chairman of the Law Commission from 1996 to 2001; most notably reporting on the law of the tenement, boundary walls, poindings and warrant sales and recommending the Abolition of the Feudal System in 1999.

It was at the end of his tenure at the Commission that he became Lord Justice Clerk and President of the Second Division. He was to be involved in almost all the significant criminal appeal cases in the first

decade of the 21<sup>st</sup> century. He defined the scope of defective representation as it had been unleashed on an unsuspecting profession in the Anderson case, a decade earlier. He was to push gently open the doors of the unreasonable jury verdict as a ground of appeal, explain the scope of murder, set out the parameters of sentencing and lay down the ground rules for the application of what is known as the discount.

During his Presidency of the Second Division he continued in his native habitat of rating, valuation, planning and agricultural holdings as he continued to make his mark on, and develop, the civil law.

Towards the end of his period as Lord Justice Clerk, he was to chair the inquiry into the horrific Stockline Plastics explosion in Maryhill.

The most lasting of the legacies which he leaves will be the consequences of his report on Civil Courts Reform, the subsequent Act being a model of clarity in legislation. It will shape the procedure and business of our civil courts for decades to come and have a profound effect on criminal first instance and appeals with the creation of the summary sheriff and the Sheriff Appeal Court. Of course not all in the profession were happy with the increase in the private jurisdiction limit or the all Scotland sheriff court for personal injuries claims. However, all will settle down in time and it will be seen that these changes, however radical, will ultimately be of

benefit to the system of criminal and civil justice throughout the country.

Lord Gill's academic credentials were moulded early in his career as a lecturer in evidence and procedure at Edinburgh University and his learned doctoral thesis on the crime of fraud. His seminal work on *Agricultural Holdings* is about to be republished in its fourth edition – copies are not quite available for signing at the door. He has received honorary doctorates from almost all the leading universities in Scotland, including Edinburgh, Glasgow, Strathclyde, St Andrews and Abertay. He is a fellow of the Royal Society of Edinburgh and the RSAMD, now the Royal Conservatoire.

Lord Gill's career culminated in his appointment as Lord President and Lord Justice General some three years ago. At that point, he determined to achieve a number of objectives. These included re-invigorating the morale of the judges, many of whom felt overburdened with their daily workload to the point of despair. Of course it is not possible to boost everyone's morale. But Lord Gill set about attempting to alleviate the burden by establishing reading and writing time for the appellate courts and reducing the amount of sitting in court to a desirable minimum. His work involved the introduction of efficient management systems designed to reduce the backlogs which had built up in civil and criminal appeals. The

delays have effectively been consigned to history. Most of all, Lord Gill's vision embraced a much more inclusive approach to all those engaged in the Supreme Court buildings and beyond. He recognised that all of us require to work together, in order to produce an efficient and effective justice system. The initial targets in that regard have already been achieved.

All of this was done at the same time as producing some of the most succinct but lucid Opinions that have been seen in recent times from a Lord President and Lord Justice General. These have again included significant decisions in criminal law and procedure, restoring the fundamentals of what is a miscarriage of justice, laying down the limits of what is permissible in a criminal appeal and attempting to explain the entitlement of a person accused of murder. In the civil field he presided over the First Division in a large number of civil cases, again in his particular fields of planning and property law and in tax, employment law and beyond.

None of this perhaps provides a deep insight into Lord Gill as a person, beyond his expertise as a lawyer and an administrator, whose experience is unsurpassed and whose core skill involves what might be described as unreasonable foreseeability; the ability to predict what another person will do or say before he does or says it. It does not portray his deep concern for the common man and

woman (and the judges); not just as a generality but in relation to each and every member of staff in this building and beyond.

From the judges' perspective, Lord Gill has led us all onto a different level in terms of commitment and dedication, whilst providing us with an appreciation of the physical and mental limits beyond which we cannot be expected to travel.

We will miss his leadership and friendship on and off the bench. He will be a great loss to the Parliament House. However, we all wish him well in his retirement. We do so knowing that he has a life beyond the law –especially in his role as the chairman of the Royal School of Church Music. We can rest assured that when he is no longer presiding here in the First Division Court room, he will be enjoying himself thoroughly elsewhere.