

# BPB Recusal Guidelines

## 1. Guiding Principle

- 1.1 The guiding principle is that a Member is disqualified from sitting if, in the circumstances, there is a real possibility that, in the eyes of a fair-minded and fully informed observer, the Member might not be impartial in reaching a decision in the case.
- 1.2 The test is a two-step one requiring consideration of:
  - (a) the circumstances relevant to the possible need for recusal because of apparent bias?
  - (b) whether those circumstances lead to a reasonable apprehension that the Member may not be impartial.
- 1.3 The test requires ascertainment of what might lead to a reasonable apprehension that the Member might decide the case other than on its merits and whether there is a logical and sufficient connection between those circumstances and that apprehension.

## 2. Process

- 2.1 Where a Member realises that they should recuse themselves, the Member will advise the Chair or Presiding Member and will not take part in any of the Board's deliberations in relation to the matter.
- 2.2 Where an application is made by a person who is to appear before the Board for a Member to recuse his or herself, the application is to be made in writing with reasons why the Member should recuse themselves. The application will be determined by the Chair or Presiding Member or by the Deputy Chair if the application is to have the Chair recuse him or herself.

Signed and dated this 10<sup>th</sup> day of June 2024.



**M Orange, BPB Chair**