

COMMUNITY JUSTICE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1

62. This schedule is introduced by section 3 and makes further provisions on the membership, procedures and staffing of Community Justice Scotland.

Paragraph 3: Membership

63. [Paragraph 3](#) sets out a number of provisions for the membership of Community Justice Scotland. In particular, a member is to be appointed by the Scottish Ministers to the role of chair. There are to be at least five and no more than eight additional members and they will also be appointed by the Scottish Ministers. A list is provided of those public office holders who may not be appointed as a member. The Scottish Ministers may vary the maximum and minimum number of members by regulations subject to the negative procedure. This paragraph also provides for the members to elect one of their number to deputise for the chair in appropriate circumstances.

Paragraph 4: Tenure etc.

64. [Paragraph 4](#) sets out provisions relating to the tenure of appointments. In particular, the Scottish Ministers determine the period of appointment for members of Community Justice Scotland and may re-appoint those who already have been members. The total period of appointment must not exceed eight years.

Paragraph 6: Power to end membership

65. [Paragraph 6](#) confirms that the Scottish Ministers may remove a member who becomes an undischarged bankrupt. The Scottish Ministers may also remove a member where they are satisfied that the member has failed to attend three consecutive meetings of Community Justice Scotland; or where the member is unable to perform the functions required; or where the member is unsuitable to continue being a member.

Paragraph 7: Remuneration and allowances of members

66. [Paragraph 7](#) makes provision for Community Justice to pay its members remuneration and allowances, as determined by the Scottish Ministers.

Paragraph 8: Chief executive and other staff

67. [Paragraph 8](#) requires Community Justice Scotland to employ a chief executive. The Scottish Ministers will appoint the first chief executive of Community Justice Scotland. Each subsequent chief executive will be appointed by Community Justice Scotland, with approval of Scottish Ministers, on such terms and conditions as it may determine. Community Justice Scotland may also appoint other members of staff on such terms and conditions as Community Justice Scotland, with approval of the Scottish Ministers, determines.

Paragraph 9: Pensions, allowances and gratuities

68. Paragraph 9 provides for Community Justice Scotland, with the approval of the Scottish Ministers, to make arrangements in relation to pensions, allowances and gratuities for its existing and past staff.

Paragraph 10: Procedure

69. Paragraph 10 provides that Community Justice Scotland may regulate its own procedures.

Paragraph 11: Committees

70. Paragraph 11 makes provision for Community Justice Scotland to establish and operate committees and sub-committees for any purpose relating to its functions. This paragraph also provides that committees may be partially composed of non-members of Community Justice Scotland, but that such committee members may not vote at meetings.

Paragraph 12: Validity of things done

71. Paragraph 12 makes clear that the validity of proceedings of Community Justice Scotland will be unaffected by any membership vacancies, a defect in the process of appointing members, or the ending of a person's membership under paragraph 5 of schedule 1.

Paragraph 13: Authority to exercise functions

72. Paragraph 13 provides that Community Justice Scotland may authorise a member, a committee, the chief executive or any other member of staff to exercise its functions.

Paragraph 14: Legislation relating to public bodies

73. Paragraph 14 inserts a reference to Community Justice Scotland into various pieces of legislation relating to public bodies in Scotland.