

POLICY NOTE

THE CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 (SUPPLEMENTARY PROVISION) ORDER 2015

SSI 2015/388

1. The above instrument was made in exercise of the powers conferred by section 204 of the Criminal Justice and Licensing (Scotland) Act (“the 2010 Act”). The instrument is subject to affirmative procedure.

Policy Objectives

2. This instrument provides that a member of the Scottish Sentencing Council is entitled to such expenses and remuneration as may be determined by the Lord Justice General, for judicial and legal members, and the Scottish Ministers, for lay members. Payment of any remuneration or expenses to which a member is entitled, is to be made by the Scottish Courts and Tribunals Service (SCTS). Different remuneration or expenses may be determined for members of different descriptions.

3. The SCTS is an independent body corporate which provides administrative support to Scottish Courts and to the judiciary of those courts, including the High Court of Justiciary, Court of Session, sheriff courts and justice of the peace courts. It also provides support to the Office of the Public Guardian, the Accountant of Court and the Scottish Sentencing Council (the Council).

4. It is considered appropriate that the SCTS pay expenses and remuneration to members of the Council as they will provide administrative support to the Council by virtue of the Scottish Courts and Tribunal Service (Administrative Support) (Specified Persons) Order 2015, made under section 62 of the Judiciary and Courts (Scotland) Act 2008¹. The level of expenses and remuneration will be set by the Lord Justice General, for judicial and legal members, and by Scottish Ministers, for lay members. This reflects their respective responsibility for appointments to the Council.

Impact Assessments

5. Equality Impact Assessment (EQIA) is a tool to assist in considering how policy may impact, either positively or negatively, on different sectors of the population in different ways.

6. We have considered the impact of policy on particular groups of people (their age, race, gender, sexual orientation, religion or belief or whether disabled or not). We are not aware of any evidence that any of the equality strands will be affected by these regulations.

Criminal Justice Division
September 2015

¹ <http://www.legislation.gov.uk/ssi/2015/224/contents/made>