

POLICY NOTE

THE COMMUNITY JUSTICE (SCOTLAND) ACT 2016 (COMMENCEMENT NO. 1 AND TRANSITIONAL PROVISION) REGULATIONS 2016

SSI 2016/262 (C. 25)

1. These Regulations bring into force the following provisions of the Community Justice (Scotland) Act 2016 (“the Act”) (so far as not already in force) on 1st October 2016: sections 3, 7, 9, 10, 12 to 14, 19 to 24 and paragraphs 1 to 13 of schedule 1.

Policy Objectives

2. A number of sections of the Act brought into force by this instrument relate to the new body Community Justice Scotland. These include sections relating to its establishment (section 3 and paragraphs 1 to 13 of schedule 1), its funding and governance (sections 7 and 9) and its corporate plan and accounts (sections 10 and 12). Transitional provision is made for section 12 that relates to the dates of the first financial year.

3. The intention is that Community Justice Scotland will be established for the purpose of making appointments; preparing its corporate plan; and exercising its functions under sections 12 and 19 to 21. The remaining sections relevant to Community Justice Scotland are intended to be commenced on 1st April 2017. The new community justice model introduced by the Act, and Community Justice Scotland itself, will be fully operational from that date.

4. Sections 19 to 22 of the Act which relate to the preparation and review of community justice outcomes improvement plans are commenced by this instrument. Commencement of these sections will enable community justice partners to prepare and publish their first community justice outcomes improvement plans to align with the new model becoming operational on 1st April 2017. The date by which the plans should be published will be specified in regulations made by the Scottish Ministers under section 19(1).

5. The instrument also brings into effect section 23, which requires the preparation of an annual performance report which will set out the action taken and progress made by community justice partners to achieve their community justice outcomes. The period to be covered by the first reports will be specified in regulations made by the Scottish Ministers under section 23(1). It is expected that the first reports would be published in autumn 2018.

6. In addition, the instrument commences section 24, which relates to preparation of guidance relating to the exercise of functions by community justice partners in sections 19 to 23. The intention is that the guidance will be published later this year.

7. Sections 13(1) and 14(1) to (6), which make provision for community justice partners and third sector bodies involved in community justice, were commenced by section 41(1) of the Act on 22nd March 2016. This instrument brings the remaining parts of those sections into force.

8. The intention is that a second set of commencement regulations will be made and laid in Parliament in early 2017 for the purpose of bringing into effect the remaining sections of the Act from 1st April 2017.

9. The intention is that regulations under section 19(1) and 23(1) will be made and laid in Parliament as soon as practicable after the relevant provisions are in force.

Consultation

10. No formal consultation was carried out in relation to these Regulations. However, formal consultation took place before the Bill for the Act was introduced and the policy intentions have been fully scrutinised, debated and approved by Parliament. Informal consultation with stakeholders took place during the Bill's parliamentary passage and will continue during the implementation process.

Impact Assessments and Financial Effects

11. Both an Equality Impact Assessment and a Business and Regulatory Impact Assessment were undertaken for the Bill for the Act in advance of its introduction to Parliament in May 2015.

Scottish Government
Justice Directorate

8 September 2016