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**Changes to legislation:** Criminal Justice (Scotland) Act 2003, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 2 **S**

(introduced by section 3(3))

### CONSTITUTION ETC. OF THE RISK MANAGEMENT AUTHORITY

#### Status

- 1 The Risk Management Authority (“the Authority”) is a body corporate.
- 2 The Authority—
  - (a) is not a servant or agent of the Crown; and
  - (b) has no status, immunity or privilege of the Crown,and its property is not to be regarded as property of, or held on behalf of, the Crown.
- 3 (1) The Authority consists of such members (including a convener) as the Scottish Ministers may appoint.
  - (2) Each member—
    - (a) is appointed for such period, not exceeding 5 years, as is specified in the terms of the appointment;
    - (b) holds and vacates office in accordance with those terms;
    - (c) is eligible for reappointment but may not hold office for a period exceeding 10 years in aggregate;
    - (d) may, by written notice to the Scottish Ministers, resign membership.
  - (3) The Scottish Ministers may remove a member from office if they are satisfied that the member—
    - (a) without reasonable excuse, has not complied with the terms of the appointment;
    - (b) is otherwise unable or unfit to discharge the functions of member or is unsuitable to continue as a member.
- 4 <sup>F1</sup>(1) Subject to any order under subsection (1) of section 11 of this Act, the Authority may—
  - (a) make provision for the appointment and constitution of committees and sub-committees;
  - (b) make provision for the exercise of any of its functions by any of its committees, sub-committees, members or employees; and
  - (c) regulate its own procedure and the procedure of—
    - (i) any of its committees or sub-committees (including any such committee as is mentioned in paragraph (a) or (b) of subsection (1A) of that section); or
    - (ii) any member or employee to whom a function has been delegated under head (b) above.
  - (1A) Delegation under sub-paragraph (1)(b) is to be without prejudice to the power of the Authority itself to exercise the function in question.
  - (1B) Without prejudice to the generality of head (c) of sub-paragraph (1), regulation under that head may include provision as to any quorum.]
  - (2) The validity of any proceedings of the Authority <sup>F2</sup> or of any of its committees or sub-committees or of any of its members by whom functions are exercised by virtue

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of sub-paragraph (1)(b)] is not affected by any vacancy in membership nor any defect in the appointment of a member.

#### Textual Amendments

- F1** Sch. 2 para. 4(1)-(1B) substituted (8.12.2005) for Sch. 2 para. 4(1) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), [ss. 13\(3\)\(a\)](#), 24
- F2** Words in Sch. 2 para. 4(2) inserted (8.12.2005) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), [ss. 13\(3\)\(b\)](#), 24

- 5 (1) The Authority may, with the approval of the Scottish Ministers, pay—
- (a) such remuneration and allowances to its members; and
  - (b) in respect of any office held by a person as member—
    - (i) such pension, allowance or gratuity to or in respect of the person; and
    - (ii) such contribution or other payment towards provision of such pension, allowance or gratuity,
 as it may with such approval determine.
- (2) Where a person ceases to be a member otherwise than on expiry of term of office, the Authority may, exceptionally and with the approval of the Scottish Ministers, pay to the person such amount by way of compensation for loss of office as it may with such approval determine.
- 6 (1) The Authority may, with the approval of the Scottish Ministers, appoint such employees as it considers are required on such terms and conditions as it may with such approval determine.
- (2) The authority is to—
- (a) pay such pensions, allowances and gratuities to or in respect of its employees or former employees;
  - (b) make such payment towards provision of such pensions, allowances or gratuities; and
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances and gratuities,
- as it may with the approval of the Scottish Ministers determine.
- (3) References in sub-paragraph (2) to pensions, allowances or gratuities include their provision by way of compensation for loss of office or employment.

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**Changes and effects yet to be applied to :**

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to legislation.gov.uk. This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)