

*These notes relate to the Management of Offenders etc. (Scotland) Act 2005 (asp 14) which received Royal Assent on 8 December 2005*

# **MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005**

---

## **EXPLANATORY NOTES**

### **INTRODUCTION**

#### ***Integrated Management Of Offenders***

#### ***Section 5 – Special duties of chief officer of community justice authority***

48. This section establishes duties on the chief officer of the community justice authority to report to Scottish Ministers where the chief officer believes there to have been failures by a community justice authority, an appropriate local authority or Scottish Ministers in exercising their functions under the Prisons (Scotland) Act 1989.
49. Subsection (2) gives the chief officer responsibility for reporting to Scottish Ministers when required to do so by Scottish Ministers on the activities and performance of community justice authorities, local authorities, partner bodies and Scottish Ministers (in effect the Scottish Prison Service) as to the effect their compliance with the area plan. The phrase “without prejudice to section 3(5)(g)(ii)” has the effect of enabling the chief officer to report to Scottish Ministers outwith the annual reporting cycle if he or she deems this necessary.
50. Subsection (4) clarifies that the reference to the chief officer reporting on activities of Scottish Ministers in this section is a reference to Scottish Ministers in exercise of their functions under the [Prisons \(Scotland\) Act 1989 \(c.45\)](#).