

*Changes to legislation: There are currently no known outstanding effects for the
Community Justice (Scotland) Act 2016, SCHEDULE 1. (See end of Document for details)*

SCHEDULE 1

(introduced by section 3)

COMMUNITY JUSTICE SCOTLAND

Corporate status

1 Community Justice Scotland is a body corporate.

Commencement Information

- I1** Sch. 1 para. 1 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch.
I2 Sch. 1 para. 1 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Exclusion of Crown status

- 2 (1) Community Justice Scotland—
(a) is not a servant or agent of the Crown, and
(b) does not enjoy any status, immunity or privilege of the Crown.
- (2) Community Justice Scotland's property is not property of, or property held on behalf of, the Crown.

Commencement Information

- I3** Sch. 1 para. 2 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch.
I4 Sch. 1 para. 2 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Membership

- 3 (1) Community Justice Scotland is to consist of—
(a) a member appointed by the Scottish Ministers to chair Community Justice Scotland, and
(b) at least 5 but no more than 8 other members appointed by the Scottish Ministers.
- (2) The Scottish Ministers may not appoint a person as a member if the person is—
(a) a member of the Scottish Parliament,
(b) a member of the House of Commons,
(c) a member of the House of Lords,
(d) a member of the European Parliament.
- (3) The Scottish Ministers must make appointments of members of Community Justice Scotland in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (4) In sub-paragraph (3), “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998.

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- (5) The Scottish Ministers may by regulations modify sub-paragraph (1)(b) by substituting for the minimum or maximum number of members for the time being specified there such other number as they consider appropriate.
- (6) Regulations under sub-paragraph (5) are subject to the negative procedure.
- (7) The members of Community Justice Scotland may elect from their number a member to—
- (a) deputise for the person appointed under sub-paragraph (1)(a),
 - (b) act during any period when there is no person appointed under that sub-paragraph.

Commencement Information

- I5** [Sch. 1 para. 3](#) in force at 1.10.2016 for specified purposes by [S.S.I. 2016/262, reg. 2, sch.](#)
- I6** [Sch. 1 para. 3](#) in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/33, reg. 2\(3\)](#)

Tenure etc.

- 4 (1) A member is appointed for such period not exceeding 3 years as the Scottish Ministers determine.
- (2) A person who has been a member may be reappointed.
- (3) But a person must not hold office as a member for a period exceeding 8 years (whether in consecutive or non-consecutive appointments).
- (4) A member holds and vacates office on such terms and conditions as the Scottish Ministers may determine (in relation to matters not covered by this schedule).
- (5) A member may resign by informing the Scottish Ministers in writing to that effect.

Commencement Information

- I7** [Sch. 1 para. 4](#) in force at 1.10.2016 for specified purposes by [S.S.I. 2016/262, reg. 2, sch.](#)
- I8** [Sch. 1 para. 4](#) in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/33, reg. 2\(3\)](#)

Events which automatically end membership

- 5 A person's membership of Community Justice Scotland ends if the person becomes—
- (a) a member of the Scottish Parliament,
 - (b) a member of the House of Commons,
 - (c) a member of the House of Lords,
 - (d) a member of the European Parliament.

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- I9** [Sch. 1 para. 5](#) in force at 1.10.2016 for specified purposes by [S.S.I. 2016/262, reg. 2, sch.](#)
- I10** [Sch. 1 para. 5](#) in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/33, reg. 2\(3\)](#)

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Power to end membership

- 6 (1) The Scottish Ministers may end a person's membership of Community Justice Scotland if—
- (a) the person becomes an undischarged bankrupt, or
 - (b) the Scottish Ministers are satisfied that the person—
 - (i) has, without reasonable excuse, been absent from 3 consecutive meetings of Community Justice Scotland,
 - (ii) is unable to perform the functions of a member, or
 - (iii) is unsuitable to continue as a member.
- (2) In sub-paragraph (1)(a), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),
 - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors and has not been discharged in respect of it,
 - (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986,
 - (d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts,
 - (e) who has been adjudged bankrupt and has not been discharged, or
 - (f) who is subject to any other kind of arrangement or undertaking, anywhere in the world, which is analogous to those described in paragraphs (a) to (d).

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I11 Sch. 1 para. 6 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch.

I12 Sch. 1 para. 6 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Remuneration and allowances of members

- 7 Community Justice Scotland must pay each member such remuneration and allowances as the Scottish Ministers may determine.

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I13 Sch. 1 para. 7 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch.

I14 Sch. 1 para. 7 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Chief executive and other staff

- 8 (1) Community Justice Scotland is to have, as a member of staff, a chief executive.
- (2) The Scottish Ministers are to appoint the first chief executive on such terms and conditions as they determine.
- (3) Community Justice Scotland is to appoint each subsequent chief executive with the approval of the Scottish Ministers.
- (4) Community Justice Scotland may appoint other members of staff.

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- (5) An appointment under sub-paragraph (3) or (4) is to be on such terms and conditions as Community Justice Scotland, with the approval of the Scottish Ministers, determines.

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- I15** Sch. 1 para. 8 in force at 1.10.2016 for specified purposes by [S.S.I. 2016/262, reg. 2, sch.](#)
I16 Sch. 1 para. 8 in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/33, reg. 2\(3\)](#)

Pensions, allowances and gratuities

- 9 (1) Community Justice Scotland may, with the approval of the Scottish Ministers, make provision for such pensions, allowances or gratuities in respect of any person who is or has been a member of staff of Community Justice Scotland as it may determine.
- (2) That provision may take the form of—
- (a) payment (or making arrangements for the payment) of,
 - (b) payments or contributions towards the provision of,
 - (c) providing and maintaining schemes (whether contributory or not) for the payment of,
- such pensions, allowances or gratuities.
- (3) Those pensions, allowances or gratuities may include pensions, allowances or gratuities by way of compensation for loss of office.

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- I17** Sch. 1 para. 9 in force at 1.10.2016 for specified purposes by [S.S.I. 2016/262, reg. 2, sch.](#)
I18 Sch. 1 para. 9 in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/33, reg. 2\(3\)](#)

Procedure

- 10 Community Justice Scotland may regulate its own procedure (including quorum).

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- I19** Sch. 1 para. 10 in force at 1.10.2016 for specified purposes by [S.S.I. 2016/262, reg. 2, sch.](#)
I20 Sch. 1 para. 10 in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/33, reg. 2\(3\)](#)

Committees

- 11 (1) Community Justice Scotland may establish committees and sub-committees.
- (2) The membership of a committee or sub-committee may include (but may not consist entirely of) persons who are not members of Community Justice Scotland, but those persons are not entitled to vote at meetings.
- (3) Community Justice Scotland may pay such remuneration and allowances as it may determine to each member of a committee or sub-committee who is not a member of, or member of staff of, Community Justice Scotland.

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- (4) A committee or sub-committee must comply with any direction given to it by Community Justice Scotland.
- (5) Community Justice Scotland may regulate the procedure (including quorum) of any of its committees or sub-committees.

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- I21** Sch. 1 para. 11 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch.
I22 Sch. 1 para. 11 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Validity of things done

- 12 The validity of anything done by Community Justice Scotland, or its committees or sub-committees, is not affected by—
- (a) a vacancy in membership,
 - (b) a defect in the appointment of a member,
 - (c) a person's membership having ended under paragraph 5.

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- I23** Sch. 1 para. 12 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch. (with reg. 3)
I24 Sch. 1 para. 12 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Authority to exercise functions

- 13 (1) Community Justice Scotland may authorise the exercise of any of its functions by—
- (a) one (or some) of its members,
 - (b) a member of its staff, or
 - (c) any of its committees or sub-committees.
- (2) Authorisation for the purpose of sub-paragraph (1) may be general or limited to the exercise of the function in specific circumstances.
- (3) This paragraph does not affect the responsibility of Community Justice Scotland for the exercise of its functions.

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- I25** Sch. 1 para. 13 in force at 1.10.2016 for specified purposes by S.S.I. 2016/262, reg. 2, sch.
I26 Sch. 1 para. 13 in force at 1.4.2017 in so far as not already in force by S.S.I. 2017/33, reg. 2(3)

Legislation relating to public bodies

- 14 (1) In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3, before the entry for Creative Scotland insert— “ Community Justice Scotland ”.
- (2) In the Scottish Public Services Ombudsman Act 2002, in schedule 2, before paragraph 21ZC insert—

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“21ZZC Community Justice Scotland.”

- (3) In the Freedom of Information (Scotland) Act 2002, in schedule 1, before paragraph 62ZC insert—

“62ZZC Community Justice Scotland.”

- (4) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2, after the entry relating to Children's Hearings Scotland insert— “ Community Justice Scotland ”.

- (5) In the Public Services Reform (Scotland) Act 2010, in schedule 8, after the entry for the Common Services Agency for the Scottish Health Service insert— “ Community Justice Scotland ”.

- (6) In the Public Records (Scotland) Act 2011, in the schedule, after the entry for the Common Services Agency for the Scottish Health Service insert— “ Community Justice Scotland ”.

- (7) In the Procurement Reform (Scotland) Act 2014, in the schedule, after paragraph 28 insert—

“28A Community Justice Scotland”.

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I27 Sch. 1 para. 14 in force at 1.4.2017 by S.I. 2017/33, reg. 2(3)

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