
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

**The Management of Offenders etc. (Scotland)
Act 2005 (Supplementary Provisions) Order 2006**

Restrictions on appointment of Chief Officer

3.—(1) Subject to the provisions of paragraph (2) a community justice authority may not appoint as chief officer, in terms of section 4(2)(a) of the 2005 Act, a person who holds a paid office or employment with (a) any local authority in Scotland or (b) a partner body within the meaning of section 3(23) of the 2005 Act, or is a member of staff of the Scottish Administration within the meaning of section 126(7) of the Scotland Act 1998 unless, before commencing the appointment as chief officer, that person has resigned from that paid office or employment or has ceased to be such a member of staff.

(2) Notwithstanding the provisions of paragraph (1), but subject to the provisions of paragraph (3), a community justice authority may arrange with the relevant employer that an employee of a local authority or partner body or a member of staff of the Scottish Administration, as the case may be, be seconded to the community justice authority to undertake the role of chief officer provided the secondment is for a period of not less than 2 years.

(3) The provisions of paragraph (2) shall not apply to any arrangement, whether described by the parties to it as a secondment or otherwise, whereby the person appointed to undertake the role of chief officer of the community justice authority, during the period of that appointment also exercises functions as an employee or holder of paid office of the local authority or partner body or as a member of staff of the Scottish Administration.