

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes supplementary provisions that Scottish Ministers consider to be necessary or expedient following the establishment of Community Justice Authorities (referred to in this Note as “CJAs”) and appointment of chief officers and other staff of CJAs, in terms of the Management of Offenders etc. (Scotland) Act 2005.

The post of chief officer will be “politically restricted” and the holder of the post may not participate in political activity or stand for election to the House of Commons, the Scottish Parliament, the European Parliament or any local authority and members of these Parliaments and local authorities will be disqualified from appointment as a chief officer. Other CJA staff will be disqualified from membership of a local authority in the CJA area, and local authority members will be disqualified from appointment as a member of staff (other than the chief officer), or as holder of any paid office, of the CJA for that local authority’s area (article 2).

A CJA may not appoint as chief officer an employee of a local authority in Scotland or a partner body or a member of staff of the Scottish Administration unless the proposed appointee resigns from that employment. However this requirement does not prevent a secondment arrangement provided it is for a period of not less than 2 years and during the period of secondment the person does not exercise functions as an employee or holder of paid office on behalf of the seconding authority or body (article 3).

An applicant for the post of chief officer will need to produce to the CJA a criminal conviction certificate prior to appointment, and prior to making the appointment the CJA will need to be satisfied that any convictions disclosed in the certificate would not materially affect the person’s suitability to perform the duties of chief officer (article 4).

Chief officers will be ineligible for jury service (article 5).

CJAs will be exempt from the requirement to maintain employers' liability insurance (article 6) and will be subject to the Re-use of Public Sector Information Regulations 2005 (article 7).