Justice Committee

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Community Justice Scotland as Specified Authority) Order 2016
Contents

Report 1
Justice Committee

To consider and report on a) the administration of criminal and civil justice, community safety and other matters falling within the responsibility of the Cabinet Secretary for Justice and b) the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

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### Committee Membership

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<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Party</th>
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<tr>
<td>Convener</td>
<td>Christine Grahame</td>
<td>Scottish National Party</td>
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<tr>
<td>Deputy Convener</td>
<td>Elaine Murray</td>
<td>Scottish Labour</td>
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<tr>
<td>Member</td>
<td>Christian Allard</td>
<td>Scottish National Party</td>
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<td>Roderick Campbell</td>
<td>Scottish National Party</td>
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<td>Member</td>
<td>John Finnie</td>
<td>Independent</td>
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<td>Margaret McDougall</td>
<td>Scottish Labour</td>
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<td>Member</td>
<td>Alison McInnes</td>
<td>Scottish Liberal Democrats</td>
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<td>Margaret Mitchell</td>
<td>Scottish Conservative and Unionist Party</td>
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<td>Member</td>
<td>Gil Paterson</td>
<td>Scottish National Party</td>
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The Committee reports to the Parliament as follows—

Introduction

1. At its meeting on 5 January 2016 the Committee considered the following instrument—

the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Community Justice Scotland as Specified Authority) Order 2016 [draft].

2. The instrument was referred to the Justice Committee as lead committee and was subject to the affirmative procedure. The Minister for Community Safety and Legal Affairs, Paul Wheelhouse, gave evidence on the instrument and also moved the relevant motion recommending approval of the instrument.

PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (TREATMENT OF COMMUNITY JUSTICE SCOTLAND AS SPECIFIED AUTHORITY) ORDER 2016 [DRAFT]

The draft instrument

3. The draft instrument is made under powers conferred by section 3(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003. The instrument provides that Community Justice Scotland, for the purpose of or in connection with appointments to that body, is to be treated as if it were a specified authority listed in schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

Scrutiny by the Delegated Powers and Law Reform Committee

4. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 20 November 2015 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

5. The draft Order was considered by the Justice Committee at its meeting on 5 January 2016, when Paul Wheelhouse, Minister for Community Safety and Legal Affairs, attended to give evidence on the instrument.

6. In his opening remarks the Minister stated that it was his intention that the new body, Community Justice Scotland, would be established in autumn 2016 and take up its full powers in April 2017, subject to the Community Justice (Scotland) Bill being passed by the Parliament. Mr Wheelhouse explained that he wished to appoint a chair as soon as possible after the Bill receives royal assent, following Audit Scotland recommendations on establishing and merging public bodies, so that they would be in place to assist in the appointment process for the chief executive and board members. He confirmed that this approach of creating shadow boards in advance of legislation being passed was precedent when Historic Environment Scotland and Revenue Scotland were set up and that the
Order would enable the Commissioner’s office to provide assistance during the early stages of recruitment.

7. There being no questions for the Minister from members, Mr Wheelhouse moved the motion in his name: S4M-14967—That the Justice Committee recommends that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Community Justice Scotland as Specified Authority) Order 2016 [draft] be approved.

8. The motion was agreed to.

Recommendation

The Justice Committee recommends to the Parliament that it approve the draft instrument.
Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Community Justice Scotland as Specified Authority) Order 2016, 1st Report, 2016 (Session 4)

\[\text{Scottish Parliament Delegated Powers and Law Reform Committee.} \quad 73^{rd} \text{ Report, 2015 (Session 4): Subordinate Legislation. Available at:} \quad \text{http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/94512.aspx} \]

\[\text{Scottish Parliament Justice Committee.} \quad \text{Official Report, 5 January 2016. Available at:} \quad \text{http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10292} \]