
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 389

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

Citation, Commencement and interpretation

1.—(1) This Order may be cited as the Management of Offenders etc. (Scotland) Act 2005 (Supplementary Provisions) Order 2006 and shall come into force on the day after the date on which it is made.

(2) In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989(1); and

“the 2005 Act” means the Management of Offenders etc. (Scotland) Act 2005.

Restrictions on political activity

2.—(1) The post of chief officer of a community justice authority is a politically restricted post and the provisions of the Local Government Officers (Political Restrictions) Regulations 1990(2) shall apply as if the post was a politically restricted post under a local authority and the person was appointed otherwise than pursuant to section 9 of the 1989 Act.

(2) The terms and conditions of employment of all employees of a community justice authority, other than the chief officer, shall incorporate terms and conditions that prohibit any such employee from announcing, or authorising or permitting others to announce that they are or intend to be a candidate for election as a member of a local authority whose boundaries lie within the area of the community justice authority of which they are an employee.

(3) A person who is a member of—

(a) the House of Commons;

(b) the Scottish Parliament;

(c) the European Parliament; or

(d) a local authority within the meaning of section 21(1) or (2) of the 1989 Act,

shall be disqualified from appointment as chief officer of a community justice authority.

(4) A person who is a member of a local authority in Scotland shall be disqualified from appointment to any paid office or employment, other than as chief officer, of the community justice authority within whose boundaries that local authority lies.

(1) 1989 c. 42; section 9 was amended, in so far as applying to Scotland, by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 161(6), and was repealed in part by Schedule 14 to that Act. Section 21 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 161(8); the Police Act 1997 (c. 50), Schedule 6, paragraph 29; the Greater London Authority Act 1999 (c. 29), Schedule 27, paragraph 63 and Schedule 29, paragraph 55; the Criminal Justice and Police Act 2001 (c. 16), Schedule 6, paragraph 50; the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 71; the Civil Contingencies Act 2004 (c. 36), Schedule 2, paragraph 10; S.I. 1996/3071, article 2 and Schedule, paragraph 3 and S.I. 2001/2237, article 25. Section 21 was also repealed in part by the Environment Act 1995 (c. 25), Schedule 24.

(2) S.I. 1990/851; amended by S.I. 1998/3116.

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, 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.

Criminal Conviction Certificate relating to Chief Officers

4. A community justice authority shall not appoint a person as chief officer in terms of section 4(2)(a) of the 2005 Act unless that person has first obtained and produced to the community justice authority a criminal conviction certificate issued under section 112 of the Police Act 1997(3) and the community justice authority is satisfied that any convictions disclosed in that certificate will not materially affect that person's suitability to perform the duties of chief officer.

Ineligibility for jury service

5. Part I of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980(4) is amended by inserting at the end of Group B—

“(wb) chief officers of community justice authorities established under section 3 of the Management of Offenders etc. (Scotland) Act 2005.”.

Amendment of the Re-use of Public Sector Information Regulations 2005

6. Regulation 3(1) of the Re-use of Public Sector Information Regulations 2005(5) is amended by inserting at the end—

“(y) a community justice authority established under section 3 of the Management of Offenders etc. (Scotland) Act 2005.”.

(3) 1997 c. 50; to which no relevant amendments have been made.

(4) 1980 c. 55; Group B of Part I of Schedule 1 was amended by paragraph 17 of Schedule 2 to the Prisons (Scotland) Act 1989 (c. 45), paragraph 45 of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 7 of Schedule 1 to the Crime and Punishment (Scotland) Act 1997 (c. 48), paragraph 41 of Schedule 9 to the Police Act 1997 (c. 50) and paragraph 40 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), and was repealed in part by Schedule 7 to the Prisons and Criminal Proceedings (Scotland) Act 1993 (c. 9).

(5) S.I. 2005/1515.

St Andrew's House,
Edinburgh
29th June 2006

HUGH HENRY
Authorised to sign by the Scottish Ministers