



Community Justice (Scotland) Act 2016

2016 asp 10

Community Justice Scotland

3 Establishment

- (1) Community Justice Scotland (in Gaelic, Ceartas Coimhearsnachd Alba) is established.
- (2) Schedule 1 makes further provision about the constitution of Community Justice Scotland.

4 Functions

- (1) Community Justice Scotland's main functions are—
 - (a) to promote the national strategy (see section 37(1)),
 - (b) to monitor, promote and support improvement in, and keep the Scottish Ministers informed about, performance in the provision of community justice (and in particular, performance in relation to the achievement of the nationally determined outcomes),
 - (c) to promote and support—
 - (i) improvement in the quality and range of provision of community justice (and in particular, improvement in meeting the needs of persons mentioned in subsection (2)),
 - (ii) making the best use of the facilities, people and other resources available to provide community justice,
 - (d) to promote public awareness of benefits arising from—
 - (i) persons who are convicted of offences being sentenced to community disposals rather than imprisonment or detention in penal institutions, and
 - (ii) managing and supporting persons falling within section 1(3), (6) or (7) with a view to them not offending in future or, if that is not realistic, reducing future offending by them.
- (2) The persons referred to in subsection (1)(c)(i) are persons who—
 - (a) fall within section 1(3), (6) or (7), or
 - (b) are being prepared for release, having been convicted of offences and sentenced to imprisonment or detention in penal institutions.

- (3) In subsection (1)(d)(i), “community disposals” has the same meaning as in section 1.
- (4) Community Justice Scotland also has the other functions conferred on it by virtue of this or any other enactment.
- (5) The Scottish Ministers may by regulations—
 - (a) confer additional functions in relation to community justice on Community Justice Scotland,
 - (b) transfer functions in relation to community justice from another person to Community Justice Scotland,
 - (c) make changes to functions of Community Justice Scotland (but only if the changed function is a function in relation to community justice),
 - (d) remove from Community Justice Scotland functions conferred by virtue of paragraph (a),
 - (e) transfer to another person functions transferred to Community Justice Scotland by virtue of paragraph (b).
- (6) Regulations under subsection (5) may modify this or any other enactment.
- (7) Before making regulations under subsection (5), the Scottish Ministers must consult—
 - (a) Community Justice Scotland,
 - (b) each of the other community justice partners (see section 13(1)), and
 - (c) such other persons as they consider appropriate.
- (8) Regulations under subsection (5) are subject to the affirmative procedure.

5 General powers

Community Justice Scotland may do anything which appears to it—

- (a) to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions,
- (b) to be otherwise conducive to the exercise of its functions.

6 Provision of information, advice and assistance

A community justice partner (other than the Scottish Ministers) must comply with any reasonable request from Community Justice Scotland to provide information, advice or assistance to it for the purposes of, or in any connection with, any of its functions.

7 Funding

- (1) The Scottish Ministers may make grants to Community Justice Scotland.
- (2) Such a grant may be—
 - (a) for the general purpose of enabling Community Justice Scotland to exercise its functions, or
 - (b) for a particular purpose in connection with any of those functions.
- (3) A grant under this section is subject to such conditions (including as to repayment) as the Scottish Ministers may determine.

8 Directions and guidance

- (1) Community Justice Scotland must—
 - (a) comply with any general or specific direction issued by the Scottish Ministers about the exercise of its functions,
 - (b) have regard to any guidance issued by the Scottish Ministers about the exercise of its functions.
- (2) The Scottish Ministers must—
 - (a) lay a copy of any such direction or guidance before the Scottish Parliament, and
 - (b) publish it.
- (3) The Scottish Ministers may vary or revoke a direction or guidance issued under this section.
- (4) Subsections (1) to (3) apply to a direction or guidance which has been varied under subsection (3) as they apply to the original direction or guidance.

9 Governance and accountability

Community Justice Scotland must, so far as reasonably practicable, operate in a way which—

- (a) is proportionate, transparent and accountable, and
- (b) is consistent with any other principle of good governance which appears to it to constitute best practice.

10 Corporate plan

- (1) Community Justice Scotland must prepare for approval by the Scottish Ministers a plan setting out how it intends to exercise its functions.
- (2) The plan must include information on how Community Justice Scotland intends to comply with section 9.
- (3) In preparing the plan, Community Justice Scotland must—
 - (a) have regard to the national strategy, and
 - (b) consult—
 - (i) each of the community justice partners,
 - (ii) such third sector bodies involved in community justice (see section 14(1)) as it considers appropriate, and
 - (iii) such other persons as it considers appropriate.
- (4) The plan must be submitted to the Scottish Ministers as soon as reasonably practicable after the establishment of Community Justice Scotland.
- (5) The Scottish Ministers must—
 - (a) approve the plan, or
 - (b) approve the plan with such modifications as they consider appropriate.
- (6) Before approving the plan with modifications the Scottish Ministers must consult Community Justice Scotland.

- (7) As soon as reasonably practicable after the plan is approved (with or without modifications), the Scottish Ministers must lay a copy of the plan before the Scottish Parliament.
- (8) Community Justice Scotland must publish the plan as soon as reasonably practicable after a copy of it has been laid before the Scottish Parliament under subsection (7).
- (9) Community Justice Scotland—
 - (a) must review the plan as soon as reasonably practicable after the publication of a revised strategy under section 16, and
 - (b) may review the plan at any other time.
- (10) Community Justice Scotland may, in consequence of such a review, prepare and submit to the Scottish Ministers for approval a revised plan.
- (11) Subsections (2), (3) and (5) to (10) apply to a revised plan as they apply to the original plan.

11 Annual reports on exercise of functions

- (1) Community Justice Scotland must, as soon as reasonably practicable after the end of each financial year—
 - (a) prepare a report on the exercise of its functions during that financial year, and
 - (b) send a copy of the report to the Scottish Ministers.
- (2) Community Justice Scotland may include in a report such other information about its operation as it considers appropriate.
- (3) In preparing a report, Community Justice Scotland must consult—
 - (a) each of the community justice partners,
 - (b) such third sector bodies involved in community justice as it considers appropriate, and
 - (c) such other persons as it considers appropriate.
- (4) The Scottish Ministers must lay a copy of each report before the Scottish Parliament.
- (5) As soon as practicable after a copy of a report has been laid before the Scottish Parliament under subsection (4), Community Justice Scotland must publish the report.

12 Accounts

- (1) Community Justice Scotland must—
 - (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) A statement of accounts prepared under subsection (1)(b) must be in such form, contain such information and be prepared in accordance with such methods or principles, as the Scottish Ministers may direct.
- (3) Community Justice Scotland must send a copy of each statement of accounts to the Scottish Ministers as soon as reasonably practicable after the end of each financial year.

- (4) The Scottish Ministers must send a copy of each statement of accounts to the Auditor General for Scotland for auditing.