



# Community Justice (Scotland) Act 2016

## 2016 asp 10

### *Community Justice Scotland: developing and arranging services*

#### **31 Ability of Community Justice Scotland to develop and arrange services**

- (1) The powers conferred on Community Justice Scotland by section 5 include, in particular, power to do any of the things mentioned in subsection (2) in pursuance of section 4(1)(c).
- (2) Those things are—
  - (a) identifying a desirable service falling within subsection (3),
  - (b) designing an appropriate model for the provision of such a service,
  - (c) making arrangements for the provision of such a service,
  - (d) encouraging or assisting, or acting in collaboration with, any of the community justice partners to do anything mentioned in paragraphs (a) to (c).
- (3) A service falls within this subsection if the service—
  - (a) is provided to persons falling within section 1(3), (6) or (7) and involves managing or supporting them with a view to eliminating or reducing future offending by them, or
  - (b) is provided to persons who are being released, having been convicted of offences and sentenced to imprisonment or detention in penal institutions, and involves preparing them for that release.
- (4) In subsection (3)(a), “supporting” has the same meaning as in section 1(1)(b).
- (5) A service referred to in subsection (2) may be for—
  - (a) all of Scotland, or
  - (b) the areas of particular local authorities.
- (6) Before exercising a power conferred by virtue of subsection (1), Community Justice Scotland must—
  - (a) have regard to the desirability of—
    - (i) services in a particular area being best suited to the needs of that area, and
    - (ii) working in collaboration with others, where appropriate,
  - (b) consult—

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*Status: This is the original version (as it was originally enacted).*

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- (i) each of the community justice partners,
  - (ii) such third sector bodies involved in community justice as it considers appropriate, and
  - (iii) such other persons as it considers appropriate.
- (7) Subsection (6) does not apply where Community Justice Scotland is complying with a requirement under subsection (8).
- (8) Community Justice Scotland must comply with a requirement by the Scottish Ministers that it exercises a power conferred by virtue of subsection (1) in relation to a service of a particular description.
- (9) Before making a requirement under subsection (8), the Scottish Ministers must consult—
- (a) each of the other community justice partners,
  - (b) such third sector bodies involved in community justice as they consider appropriate, and
  - (c) such other persons as they consider appropriate.
- (10) Nothing in this section, or section 5, authorises Community Justice Scotland to provide a service falling within subsection (3) (either itself or in collaboration with others).
- (11) In this section—
- (a) the reference to identifying a service includes procuring and funding the identification of a service,
  - (b) the reference to designing a service includes procuring and funding the design of a service.