

VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

National Confidential Forum

Section 31 – Schedule 1A

Schedule 1A – Part 1 – Members of the National Confidential Forum

102. [Part 1](#) sets out the membership of the Forum, the appointment of its members and staff and the powers and procedure of the Forum.

Membership

103. [Paragraph 1\(1\)](#) provides that the Forum is to consist of the NCF Head and no fewer than two other members, all of whom will be appointed by the Scottish Ministers.
104. [Paragraph 1\(2\)](#) provides that the Scottish Ministers must make these appointments having regard to the recommendation of the selection panel (mentioned in [paragraph 2\(1\)](#)). Each member of the Forum is to be appointed for such period as the Scottish Ministers think fit ([paragraph 1\(3\)](#)).
105. [Paragraph 1\(4\)](#) provides that members of the Forum may resign by providing written notice to the Scottish Ministers, and that the Scottish Ministers must then inform the Commission of any such resignation ([paragraph 1\(5\)](#)).

Membership selection panel

106. [Paragraph 2\(1\)](#) provides that members of the Forum are to be selected by a membership selection panel, the composition of which is set out in that paragraph. The Scottish Ministers are able to determine, in addition to the members of the selection panel set out in [paragraph 2\(1\)](#), that others be included in that selection panel.
107. [Paragraphs 2\(2\), \(3\) and \(4\)](#) provide that a membership selection panel is to determine the selection process and can recommend for appointment those who, in the panel's view, have the skills, knowledge and experience to carry out the work of the Forum (excluding members of the Commission).

National Confidential Forum staff

108. [Paragraph 3](#) provides that the appointment of staff to the Forum requires the recommendation of the Forum Head and that such staff are only to carry out the functions of the Forum.

Powers and procedure of the National Confidential Forum

109. Paragraph 4(1) empowers the Forum to do anything which is necessary or expedient in order for it to carry out its functions.
110. Paragraph 4(2) specifically empowers the Head of the Forum to determine the procedure of the Forum, having regard to the views of the other members of the Forum. This reflects the leadership role held by the NCF Head.
111. Paragraph 4(3) sets out the requirement that the Forum should have regard to the need to avoid any unnecessary cost to public funds, to participants and others in undertaking its work and carrying out its functions.
112. Paragraph 4(4) provides that proceedings of the Forum will not be invalidated because of a vacancy in the membership or a defect in the appointment of a member.
113. Paragraph 4(5) specifically excludes members of the Scottish Government or other persons authorised by the Scottish Government from taking part in the meetings of the Forum.

Application of [schedule 1](#) to the National Confidential Forum

114. Paragraph 5 disapplies certain powers of the Commission in relation to the Forum.