
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the provisions of the Community Justice (Scotland) Act 2016 (“the Act”) (so far as not already in force).

Regulation 2(1) brings section 36 of the Act (abolition of community justice authorities) into force on 31st March 2017. That section abolishes community justice authorities which were established under the Management of Offenders etc. (Scotland) Act 2005. It also repeals sections 3 to 9 of that Act, which relate to the establishment and functions of the community justice authorities.

Regulation 2(1) also brings section 38 of the Act (consequential and minor modifications) partially into force on 31st March 2017 for the purpose of commencing paragraphs 1, 3, 4, 5 and 6 of schedule 2 of the Act. Those paragraphs make minor and consequential provision in consequence of the abolition of the community justice authorities.

Regulation 2(3) brings into force all provisions of the Act (so far as not already in force) on 1st April 2017.

Regulation 3 makes transitional provision in relation to the coming into force of section 11 (annual reports on exercise of functions) to provide that Community Justice Scotland is not required to prepare an annual report for the financial year ending on 31st March 2017.

Regulation 4(1) makes transitional provision relating to the commencement of section 36 of the Act to transfer any actual or contingent liabilities of community justice authorities to the Scottish Ministers. Regulation 4(2) provides that ongoing proceedings raised by or against a community justice authority by 31st March 2017 may be continued by or against the Scottish Ministers.

Regulation 5 makes saving and transitional provision in relation to the revocation of the Management of Offenders etc. (Scotland) Act 2005 (Members’ Remuneration and Supplementary Provisions) Order 2008 (“the Order”) by section 38 and paragraph 6(c) of schedule 2 of the Act. Article 2(1)(b) and (c) of the Order imposes duties on community justice authorities to prepare annual accounts and to send a copy of those accounts to the Scottish Ministers. Article 2(2) of the Order imposes a duty on the Scottish Ministers to send a copy of the accounts to the Auditor General for Scotland for auditing. Regulation 5 saves article 2 of the Order for the purposes of the preparation of the community justice authorities’ accounts for the financial year ending on 31st March 2017 and transfers the duties in article 2(1)(b) and (c) to the relevant local authority for each community justice authority. The relevant local authority which is to assume these duties for each community justice authority is specified in the corresponding entry in column 2 of the table in schedule 2 of these Regulations.

The Bill for the Act received Royal Assent on 21st March 2016. Sections 1, 2, 13(1), 14(1) to (6), 15, 17, 37 and 39 to 42 came into force the following day.