

## SCOTTISH CIVIL JUSTICE COUNCIL

### PUBLICATION SCHEME AND GUIDE TO INFORMATION

1. [Section 23](#) of the [Freedom of Information \(Scotland\) Act 2002](#) (“the FOI Act”) places a duty on Scottish public authorities to adopt and maintain a Publication Scheme which must specify:
  - classes of information the authority publishes or intends to publish;
  - the manner in which this information will be made available to the public free or on payment of a charge
2. The Scottish Civil Justice Council has adopted the Model Publication Scheme 2013 developed and approved by the Scottish Information Commissioner. It is valid until 31 May 2017.
3. The Model Publication Scheme adopted requires the Councils to publish information in the following categories or classes:
  - Class 1: About the authority
  - Class 2: How we deliver our functions and services
  - Class 3: How the authority takes decisions and what it has decided
  - Class 4: What the authority spends and how it spends it
  - Class 5: How the authority manages its human, physical and information resources
  - Class 6: How the authority procures goods and services from external providers
  - Class 7: How our authority is performing
  - Class 8: Our commercial publications
4. The Model Publication Scheme 2013 is available here:  
<http://www.itspublicknowledge.info/nmsruntime/logLink.aspx?linkURL=http%3a%2f%2fwww.itspublicknowledge.info%2fuploadedfiles%2fMPS2013.doc>.
5. There is more information about model schemes here:  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/PublicationSchemesModelPublicationSchemes.asp>.
6. The purpose of this guide is to:
  - allow the public to see what information is available (and what is not available) in relation to each class;
  - state what charges may be applied
  - explain how to find the information easily; and
  - provide contact details for enquirers to get help accessing information and to

explain how to request information that has not been published.

## **What Information is Available**

This section provides details of the information we routinely publish under the classes of information in the Commissioner's Model Publication Scheme 2013. Where the information is published online, links are provided to relevant website pages or other sites as appropriate. This publication scheme will be reviewed regularly to accurately reflect the full range of information published.

### **CLASS 1:**

#### **ABOUT THE SCOTTISH CIVIL JUSTICE COUNCIL**

**Class description:** information about who we are, where to find us, how to contact us, how we are managed and our external relations.

#### **The Scottish Civil Justice Council**

7. The Scottish Civil Justice Council was established by the [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013](#) ("the 2013 Act") on 28 May 2013. Its functions include preparing draft rules of procedure for the civil courts and advising the Lord President, the Head of the Scottish Judiciary, on the development of the civil justice system in Scotland. The Lord President has responsibility for general oversight and direction of the Council. Administration is provided by the Scottish Court Service.
8. The Scottish Civil Justice Council replaces the [Court of Session Rules Council](#) and the [Sheriff Court Rules Council](#). The new Council takes over the rule drafting functions of those bodies and also has a new, wider, role to advise and make recommendations on the civil justice system.
9. The Council's website address is [www.scottishciviljusticecouncil.gov.uk](http://www.scottishciviljusticecouncil.gov.uk).

#### **Council Members**

10. Further information on the Council and its members is available at: [www.scottishciviljusticecouncil.gov.uk/council](http://www.scottishciviljusticecouncil.gov.uk/council).

## **Annual Programme and Report**

11. The Council is required to prepare and publish an annual programme and report each year (the first programme is required for the period 1 April 2014 to 31 March 2015) and lay copies before the Scottish Parliament.
12. The annual programme and report are published at:  
[www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/).

## **Committees**

13. The Council may set up committees to assist it in carrying out its functions. Information about any committees established by the Council, including membership, will be available at our website.
14. All Scottish Civil Justice Council publications, consultations, agendas and minutes of meetings will be available on our website free of charge. A guide to the layout of our website can be found at: [www.scottishciviljusticecouncil.gov.uk/sitemap/](http://www.scottishciviljusticecouncil.gov.uk/sitemap/).

## **How to find the information easily**

15. The majority of the information we publish is available on the Scottish Civil Justice Council website: [www.scottishciviljusticecouncil.gov.uk](http://www.scottishciviljusticecouncil.gov.uk). In addition, links are contained within the text of the various classes of information we provide.
16. If you do not have access to the internet you can contact us and request the information in paper form. In some cases a charge may be required for hard copy material.
17. Any charge for information will be determined on a case by case basis where an adjustment may be required for someone with additional needs. Should a charge apply to the information you have requested you will be told about this at the time of your request and provided with details of the basis of that charge. Any charges are payable in advance.

## **Environmental Information**

18. The [Environmental Information \(Scotland\) Regulations 2004](#) (EIRs) provide a separate right of access to any environmental information we hold. The Scottish Civil Justice Council does not currently hold any distinct environmental information. Environmental information held by the Scottish Court Service can be found [here](#).

## **What charges may be applied?**

19. All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email. For those without access to the website a single print-out as on the website or, where available, a hard copy of the document can be requested.
20. We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

### *Reproduction costs:*

21. Where charges are applied, photocopied information will be charged at a standard rate of £5 for each document up to 10 pages and £0.50 for each page thereafter. Computer discs will be charged at the rate of £5.00 per CD rom
22. Charges are based on those prescribed in schedules to [Sheriff Court Fees Amendment Order 2012](#) and [Court of Session etc. Fees Amendment Order 2012](#).
23. Enquiries about charges should be addressed to the Council Secretariat using the details provided in the 'Contacting Us' section of this scheme.
24. In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

### *Postage costs:*

25. We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

### *Charges for information which is not available under the scheme:*

26. If you submit a request to us for information which is not available under the scheme the charges will be based on the following calculations:

### *General information requests:*

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information

that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

*Charges for environmental information:*

27. We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
28. In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.
29. Charges are calculated on the basis of the actual cost to the authority of providing the information and are as follows:
  - photocopied information will be charged at a standard rate of 20p per page. Computer discs will be charged at the rate of £3.00 per CD rom,
  - postage is charged at actual rate for first class mail;
  - staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

## Contacting Us

30. You can contact the Secretariat for advice and assistance with any aspect of the information contained within the model scheme, or for general enquiries, in the following ways:

By post: Scottish Civil Justice Council  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ

Telephone: 0131 240 6769

Email: [scjc@scotcourts.gov.uk](mailto:scjc@scotcourts.gov.uk)

31. You can also ask for information we do not publish. Requests for information under the FOI Act should be made through our email form at:

[www.scottishciviljusticecouncil.gov.uk/publications/freedom-of-information/](http://www.scottishciviljusticecouncil.gov.uk/publications/freedom-of-information/).

## Information We May Withhold

32. We aim to be as open as possible. However, we do not provide access to information which is personal data under the [Data Protection Act 1998](#) or information where disclosure is prohibited by law.

33. In some circumstances we will withhold information where it is exempt under the Act. Where this is the case we will indicate why the information has been withheld.

34. The FOI Act does not cover information held by the Scottish Civil Justice Council 'on behalf of' someone else; for example, information held by Council members in their personal or individual capacity on our IT system.

## Copyright

35. The information we produce is subject to Crown copyright unless stated otherwise.

36. Anyone wishing to use and re-use Crown copyright information published through this guide free of charge in any format or medium, under the terms and conditions of the Open Government Licence. Where any of the Crown copyright items published through this guide are being republished or copied to others, the source of the material must be identified and the copyright status acknowledged.

37. The Open Government Licence is available at:  
<http://www.nationalarchives.gov.uk/doc/open-government-licence/>.

## **CLASS 2:**

### **HOW WE DELIVER OUR FUNCTIONS AND SERVICES**

**Class description:** information about our work, our strategy and policies for delivering functions and services and information for our service users.

#### **Functions**

38. The Council's functions, as provided for by section 2(1) of The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 are as follows:

- to keep the civil justice system under review,
- to review the practice and procedure followed in proceedings in the Court of Session and in civil proceedings in the sheriff court,
- to prepare and submit to the Court of Session draft civil procedure rules,
- to provide advice and make recommendations to the Lord President on the development of, and changes to, the civil justice system, and
- to provide such advice on any matter relating to the civil justice system as may be requested by the Lord President.

39. The Council also has broad powers to help it carry out its functions, including the ability to make recommendations to the Scottish Ministers, conduct consultations, commission research and to consult and co-operate with such other persons as it considers appropriate.

#### **Annual Programme and Report**

40. The Council is required to produce an annual programme and report each year (the first programme will be required for the period 1 April 2014 to 31 March 2015). The annual report must include a summary of any recommendations made by the Council during the period covered by the report.

41. The annual programme and annual report will be published at:  
[www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/).

## **Publications**

42. All Scottish Civil Justice Council publications, consultations, agendas and minutes of meetings will be available on our website free of charge. A guide to the layout of our website can be found at: [www.scottishciviljusticecouncil.gov.uk/sitemap/](http://www.scottishciviljusticecouncil.gov.uk/sitemap/).

## **CLASS 3:**

### **HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED**

**Class description:** information about the decisions we take, how we make decisions and how we involve others.

#### **Decision Making**

43. The Scottish Civil Justice Council is an advisory body, its functions (in general terms) being to provide advice and make recommendations to the Lord President on the civil justice system and to submit draft civil procedure rules to the Court of Session.

44. Information on how the Council operates are contained in its standing orders, available at: [www.scottishciviljusticecouncil.gov.uk/council](http://www.scottishciviljusticecouncil.gov.uk/council).

45. The Council will meet around 6 times a year. Agendas and minutes of meetings and selected papers will be published on our website at: [www.scottishciviljusticecouncil.gov.uk/council/meetings](http://www.scottishciviljusticecouncil.gov.uk/council/meetings). Agendas and minutes of meetings of any committees established by the Council will similarly be made available online.

46. The Council may undertake public consultations to assist it in, for example, drafting rules or making recommendations. All public consultations will be made available on the website at [www.scottishciviljusticecouncil.gov.uk/consultations](http://www.scottishciviljusticecouncil.gov.uk/consultations).

#### **The Scottish Civil Justice Council**

47. The Scottish Civil Justice Council was established by the 2013 Act on 28 May 2013. Its functions include preparing draft rules of procedure for the civil courts and advising the Lord President on the development of the civil justice system in Scotland. The Lord President has responsibility for general oversight and direction of the Council. Administration is provided by the Scottish Court Service.

48. The Scottish Civil Justice Council replaces the existing Court of Session Rules Council and the Sheriff Court Rules Council. The new Council takes over the rule drafting



functions of those bodies and also has a new, wider, role to advise and make recommendations on the civil justice system.

## **Membership**

49. Council membership is provided for at section 6 of the 2013 Act. Information on the Council and its current members is available at [www.scottishciviljusticecouncil.gov.uk/council/current-council-members/](http://www.scottishciviljusticecouncil.gov.uk/council/current-council-members/).

## **Annual Programme and Report**

50. The Council is required to prepare and publish an annual programme and report each year (the first programme will be required for the period 1 April 2014 to 31 March 2015) and lay copies before the Scottish Parliament.

51. Both documents are published at: [www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/).

## **Committees**

52. The Council may set up committees to assist it in carrying out its functions. Information about any committees established by the Council, including membership, will be available at our website.

53. All Scottish Civil Justice Council publications, consultations, agendas and minutes of meetings will be available on our website free of charge. A guide to the layout of our website can be found at: [www.scottishciviljusticecouncil.gov.uk/sitemap/](http://www.scottishciviljusticecouncil.gov.uk/sitemap/).

## **CLASS 4:**

### **WHAT WE SPEND AND HOW WE SPEND IT**

**Class description:** information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

## **Expenditure**

54. The Scottish Court Service (under [section 62 of the Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#)) is required to provide administrative support to the Scottish Civil Justice Council, including its operating costs.

55. The projected costs of the Council were outlined by the Scottish Government's Financial Memorandum to the Scottish Civil Justice Council and Criminal Legal Assistance Bill when it was introduced to the Scottish Parliament in May 2012.
56. Planned and actual expenditure will be included in the Council's annual programme and report, respectively.
57. The expenses scheme which applies to Council and committee members is available at: [www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/).
58. Details of overall SCS expenditure can be found in the latest [annual report](#). Future plans are available in the [SCS Corporate Plan](#) and [SCS Business Plan](#).

## **CLASS 5:**

### **HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES**

**Class description:** information about how we manage the human, physical and information resources of the authority.

#### **Our Resources**

59. Administrative support, including staff and accommodation, for the Scottish Civil Justice Council is provided by the Scottish Court Service. Policies related to this include:
- [SCS People Strategy](#)
  - [HR Annual People Scorecard](#)
  - [SCS ICT Strategy](#)
  - [SCS Annual Report](#)
60. Further information about the SCS can be found here:  
<http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data>
61. This publications scheme is available at [www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/), where a records management policy will also be made available.

#### **Environmental Information**

62. The Scottish Civil Justice Council does not hold any distinct environmental information. Environmental information held by the Scottish Court Service can be found [here](#).

## **CLASS 6:**

### **HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS**

**Class description:** information about how we procure goods and services, and our contracts with external providers.

#### **Procurement**

63. All tenders will be carried out in accordance with Scottish Court Service procurement policies and will be published on the Scottish Procurement website: [www.publiccontractscotland.gov.uk](http://www.publiccontractscotland.gov.uk).

## **CLASS 7:**

### **HOW WE ARE PERFORMING**

**Class description:** Information about how we perform as an organisation, and how well we deliver our functions and services.

#### **Annual Programme and Report**

64. The Council is required to prepare and publish an annual programme and report each year (the first programme will be required for the period 1 April 2014 to 31 March 2015) and lay copies before the Scottish Parliament. Both documents will be published at: [www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/).

## **CLASS 8:**

### **OUR COMMERCIAL PUBLICATIONS**

**Class description:** Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

65. We do not hold this information.