

## ITEM 2.1: STANDING ORDERS

### Purpose

1. To draw members' attention to the Standing Orders for the Council and its committees.

### Discussion

2. Section 12 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 ("the Act") provides that the Council may determine its own procedure and that of any committees established by it, except in relation to quorums, which are to be determined by the Lord President. In the absence of a specific determination by the Council in respect of the Rules Rewrite Working Group, the procedures set out in the standing orders will apply.
3. At the SCJC Meeting on 10 June 2013 the members adopted the standing orders. **[Paper 2.1A]**
4. Standing Order 9 requires that the SCJC, when establishing a committee, will:
  - (a) determine the membership and period of appointment;
  - (b) select or confirm the arrangements for chairing of the committee meetings;
  - (c) establish the terms of reference (in consultation with the Chair of the committee);
  - (d) determine procedures, including its quorum and which of these standing orders will apply to the conduct of the committee and for reporting back to the SCJC.
5. Recommendations will be put to the SCJC, for its September meeting, by the Secretariat, in respect of the period of appointment of committee members and the matters listed at standing order 9 (d).
6. Members' attention is drawn to the following aspects of the standing orders:

**6.1. Collective decision making (standing order 4)** – the Standing Orders provide that decisions on members are binding. A procedure for recording dissent is also provided for.

**6.2. Confidentiality (standing orders 8.3, 13 and paras 3.7 and 3.8 of the Code)** – provision is included for agreeing confidential items of business. It is suggested that members should not disseminate documents or information pertaining to the SCJC, unless already in the public domain, without the Chair’s approval. Agendas, papers (excluding draft rules, private papers and confidential items of business) and minutes will be published online (under standing order 8) following meetings. It should be noted that even where confidentiality is agreed, information may be releasable under the Freedom of Information (Scotland) Act 2002.

**6.3. Communications (standing order 11)** – members will wish to note in particular standing orders 11.5 and 11.6 which state that all communications with the press should be made through the Secretariat and that members should seek the Chair’s approval before undertaking promotional activity, unless the Council’s (or a committee’s) prior agreement has been obtained.

**6.4. Records (standing order 12)** – a records management plan will be submitted to the Council for approval at its next meeting.

**6.5. Registration and Declaration of interests (sections 4 and 5 of the Code of Conduct)**  
– members may wish to note these provisions.

**6.6. Lobbying (section 6 of the Code of Conduct)** – members may wish to note these provisions.

**Recommendation**

7. **Members are asked to note the terms of the SCJC standing orders and that recommendations have been submitted to the SCJC, at the September meeting in respect of further provision for committee proceedings.**

**Scottish Civil Justice Council Secretariat**

**September 2013**