# CRIMINAL COURTS RULES COUNCIL

# PUBLICATION SCHEME AND GUIDE TO INFORMATION 2017

1. [Section 23](http://www.legislation.gov.uk/asp/2002/13/section/23) of the [Freedom of Information (Scotland) Act 2002](http://www.legislation.gov.uk/asp/2002/13/contents) (“FOISA”) 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 information of each class is, or is intended to be, published; and
* whether the published information is, or is intended to be, available to the public free of charge or on payment.

1. The Criminal Courts Rules Council (the Council) adopted the model publication scheme in 2013. Our publication scheme and guide to information (the Guide) has since been updated in line with the 2016 model publication pcheme published by the Scottish Information Commissioner on 29 March 2016. The Council will keep the Guide under review and will update it to reflect any changes made in any future model publication scheme.
2. The Model Publication Scheme 2016 is available here:

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/PublicationSchemesHome.aspx>

1. There is more information about model schemes here: <http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/PublicationSchemeFAQs.aspx>
2. 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;
* provide contact details for enquirers to get help accessing information; and
* explain how to request information that has not been published.

1. The Guide is split into the following six sections:

* Availability and formats
* Exempt information
* Copyright
* Charges
* Contact us
* The classes of information that we publish

**Availability and formats**

1. The majority of the information published by the Criminal Courts Rules Council is available on its website: <http://www.scotcourts.gov.uk/rules-and-practice/rules-councils/criminal-court-rules-council>. Where the information is published online, links are provided to relevant website pages or other sites as appropriate.
2. If you do not have access to the internet you can contact the Council’s Secretariat and request the information in paper form. In some cases a charge may be required for hard copy material.
3. 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.
4. This Guide will be reviewed regularly to accurately reflect the full range of information published.

# Exempt Information

1. The Criminal Courts Rules Council aims to be as open as possible. However, it does not provide access to information which is personal data under FOISA or information where disclosure is prohibited by law.
2. In some circumstances the Council will withhold information where it is exempt under FOISA. Where this is the case, the Council will indicate why the information has been withheld.
3. FOISA does not cover information held by the Criminal Courts Rules Council ‘on behalf of’ someone else; for example, information held by Council members in their personal or individual capacity on our IT system.

*Environmental Information*

1. The [Environmental Information (Scotland) Regulations 2004](http://www.legislation.gov.uk/ssi/2004/520/contents/made) (EIRs) provide a separate right of access to any environmental information we hold. Requests under EIRs can be made by post or email as detailed in the ‘Contact us’ section below.

# Copyright

1. The information produced by Criminal Courts Rules Council is subject to Crown copyright unless stated otherwise.
2. Anyone wishing to can 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. Where the Council does not hold copyright in information it publishes we will make this clear.
3. The Open Government Licence is available at: <http://www.nationalarchives.gov.uk/doc/open-government-licence/>.

**Charges**

1. All information contained within the Criminal Courts Rules Council scheme is available free of charge where it can be downloaded from our website or where it can be sent 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.
2. The Council reserves the right to impose charges for providing information by paper copy or on computer disc. The Council will not charge a flat fee for this service. Charges will reflect costs of reproduction and postage incurred, and are likely to be as set out below.

*Reproduction costs:*

* Where charges are applied, photocopied information will normally be charged at a standard rate of £6 for each document up to 10 pages and £0.50 for each page thereafter. Computer discs will normally be charged at the rate of £5.00 per CD rom.
* These charges are based on fees for copying charges etc. charged by the Scottish Courts & Tribunals Service (SCTS) for certain court-related matters and prescribed in Scottish Statutory Instruments as an appropriate comparator.

*Postage costs:*

* Postage charges incurred, in sending the information by first class post, will be passed on to the requester.

# Contact Us

1. For advice and assistance with any aspect of the information contained within the Guide, or for general enquiries, please contact the Secretariat:

By post: Criminal Courts Rules Council

Lord President’s Private Office

Parliament House

Parliament Square

Edinburgh

EH1 1RQ

Telephone: 0131 240 6652

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

1. You may also request information that the Council does not publish. Requests for information under FOISA should be made in writing.

**The classes of information that we publish**

1. The 2016 Model Publication Scheme requires the Council 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 we take decisions and what we decided

Class 4: What we spend and how we spend it

Class 5: How we manage our human, physical and information resources

Class 6: How we procure goods and services from external providers

Class 7: How we are performing

Class 8: Our commercial publications

Class 9: Our open data

**CLASS 1: ABOUT THE CRIMINAL COURTS RULES COUNCIL**

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

**The** **Criminal Courts Rules Council**

1. The Criminal Courts Rules Council was established under section 304 of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”). Its functions are to keep under general review the procedures and practices of the courts exercising criminal jurisdiction in Scotland and to consider and comment on any draft Act of Adjournal submitted to it by the High Court.
2. Administration is provided by the Scottish Courts and Tribunal Service.
3. The Council’s website address is <http://www.scotcourts.gov.uk/rules-and-practice/rules-councils/criminal-court-rules-council>

# Council Members

1. The criteria for membership of the Council are set out in sections 304(2) and (3) of the 1995 Act. The Lord Justice General, the Lord Justice Clerk and the Clerk of Justiciary hold office ex officio. The other members of the Council are appointed by the Lord Justice General under section 304(2)(b) to (f). A further member is appointed by the Scottish Ministers under section 304(2)(f). Members, other than ex officio members, hold office for three years and are eligible for reappointment provided that they retain the qualifications for membership.
2. Further information on the Council and its current members is available at: http://www.scotcourts.gov.uk/rules-and-practice/rules-councils/criminal-court-rules-council.

# Committees

1. The Council may set up committees to assist it in carrying out its functions.

# External Relations

1. The Council works closely with both public and private sector partners. Amongst others, it has extensive interaction with:

[The Scottish Government](http://www.gov.scot/)

[The Scottish Legal Aid Board](http://www.slab.org.uk/)

[The Faculty of Advocates](http://www.advocates.org.uk/)

[The Law Society of Scotland](http://www.lawscot.org.uk/)

**Customer Charters**

1. The Criminal Courts Rules Council does not hold Customer Charters.

**CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES**

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

# Functions

1. The Council’s functions are set out in section 304 (9) of the 1995 Act and are:

* to keep under general review the procedures and practices of the courts exercising criminal jurisdiction in Scotland (including any matters incidental or relating to those procedures or practices); and
* to consider and comment on any draft Act of Adjournal submitted to it by the High Court, which shall, in making the Act of Adjournal, take account to such extent as it considers appropriate of any comments made by the Council under this paragraph.

**Publications**

1. All Criminal Courts Rules Council publications, consultations, agendas and minutes of meetings are available on our website free of charge.

**CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED**

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

# Decision Making

1. The Criminal Courts Rules Council is an advisory body, its functions (in general terms) being to keep under general review the procedures and practices of the courts exercising criminal jurisdiction in Scotland and to consider and comment on any draft Act of Adjournal submitted to it by the High Court.
2. Information on how the Council operates is contained in its standing orders, available on the Council website
3. The Council meets around 3 times a year. Agendas and minutes of meetings are published on the Council’s website within 15 working days of the meeting.
4. The Council may undertake public consultations to assist it in, for example, drafting rules or making recommendations. All public consultations are published on the Council website.

**CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT**

**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

1. The Scottish Courts and Tribunals Service (under section 62 of the Judiciary and Courts (Scotland) Act 2008 (asp 6)) is required to provide administrative support to the Criminal Courts Rules Council including its operating costs.
2. Details of SCTS expenditure can be found in the latest [annual report](http://www.scottishciviljusticecouncil.gov.uk/docs/librariesprovider4/publications/scjc-publications/annual-reports-and-libraries/scjc-annual-report-2015-2016.pdf?sfvrsn=2). Future plans are available in the [SCTS Corporate Plan 2014-17](http://www.scotcourts.gov.uk/docs/default-source/corporate-scs-library/scottish-court-services-interactive_corporate-plan.pdf?sfvrsn=2www.scotcourts.gov.uk/docs/default-source/corporate-scs-library/scottish-court-services-interactive_corporate-plan.pdf?sfvrsn=2) and [SCTS Business Plan 2016-17](http://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/publications/scts-business-plan-2016-17.pdf?sfvrsn=2).

**CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES**

**Description:** information about how we manage the human, physical and information resources of the Council.

**Our Resources**

1. Administrative support for the Criminal Courts Rules Council is provided by the Scottish Courts and Tribunals Service. Policies related to this include:

* [SCTS People Strategy](http://www.scotcourts.gov.uk/docs/default-source/reports-data/peoplestrategyall.pdf?sfvrsn=2)
* [HR People Scorecard](http://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/reports-data/hr-people-scorecard-2014-15-final-250815.doc?sfvrsn=2)
* [SCTS ICT Strategy](http://www.scotcourts.gov.uk/docs/default-source/reports-data/scs-ict-strategy.doc?sfvrsn=2)
* [SCTS Equality Statement, Outcomes and Guidance](http://www.scotcourts.gov.uk/docs/default-source/reports-data/equality_statement_outcomes_and_guidance.pdf?sfvrsn=2)

1. Further information about the SCTS can be found here: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data>
2. A mandatory Record Management Plan is currently being developed in conjunction with National Records Scotland. This is as a result of the Council being added to the schedule to the [Public Records (Scotland) Act 2011](http://www.legislation.gov.uk/asp/2011/12/contents) by way of the [Public Records (Scotland) Act 2011 (Authorities) Amendment Order 2015](http://www.legislation.gov.uk/sdsi/2015/9780111028360/body) which came into force on 17 September 2015.

**CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS**

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

# Procurement

1. As previously noted, the SCTS provides administrative support to the Council, including its operating costs. In line with all other Scottish public authorities, the SCTS use the Public Contracts Scotland website for its procurement. This makes it easy to find contract opportunities from across the public sector in Scotland.
2. Tenders by the Council are carried out in accordance with SCTS procurement policies and are published on the Scottish Procurement website.
3. All of the SCTS published documents (including terms and conditions) can be found by clicking on the web link below. Information on past, future and current tenders along with Contract Awards from March 2009 are also published on the portal.

# [Public Contracts Scotland Portal](http://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00396)

1. There is also a [Finance and Procurement](http://www.scotcourts.gov.uk/about-the-scottish-court-service/finance_and_procurement) page on the SCTS website.
2. Please note that in some instances specific charging information such as an hourly or per unit rate under a particular contract has not been published. This is where it is considered that disclosure of the information could be substantially prejudicial to the contractor’s commercial interests, in line with section 33(1)(b) of the Freedom of Information (Scotland) Act 2002. It is where SCTS assessed the public interest in release as being outweighed by the public interest in allowing contractors the confidence that information which they consider to be sensitive cannot be used by competitors to their disadvantage (e.g. to undercut them in a subsequent procurement).

# CLASS 7: HOW WE ARE PERFORMING

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

# Annual Programme and Report

1. The minutes of all Council meetings since July 2006 are available on our website.
2. SCTS publishes an annual report and various other reports and data relating to the administration of justice in Scotland at: http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data.

**CLASS 8: OUR COMMERCIAL PUBLICATIONS**

**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.

1. The Council does not hold this class of information.

**CLASS 9: OUR OPEN DATA**

# Description: Open data made available by the authority as described by the Scottish Government’s Open Data Strategy and Resource Pack, available under an open license.

1. The Council does not currently hold data in a format suitable for open data publication but this position will be reviewed regularly by the SCTS statistician, with reference to the [Scottish Government Open Data Strategy and Resource Pack.](http://www.gov.scot/Publications/2015/08/4093/0)

**Criminal Courts Rules Council June 2017**