**CRIMINAL COURTS RULES COUNCIL**

**STANDING ORDERS**

**(Agreed on 24 October 2016)**

**1 General**

1.1 The Criminal Courts Rules Council (“the Council”) is established under s 304 of the
Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”).

1.2 No standing order is to be made, read, applied or suspended in such a manner that
contravenes any rule of law or legislative provision.

1.3 These standing orders are made by, and can be altered or suspended, in whole or in
part, by a majority of Council members.

1.4 Where these standing orders do not make specific provision the Lord Justice
General, in consultation with the most senior judicial member of the Council, or in his or her absence, the Secretary to the Council, will have discretion to determine all questions of procedure for the conduct and proceedings of the Council.

**2 Ordinary meetings**

2.1 The Council will meet at least 3 times in each calendar year on dates and at times
and places determined by the Council.

2.2 Decisions of the Council will generally be by consensus of those attending meetings.

2.3 Any matter put to the vote is decided by a simple majority. In the event of a tie, the
Chair has a second vote. Only members present at a meeting may vote. Proxy voting is not allowed. Members departing early will be treated as non-attending for the purpose of any decision taken after the time of departure.

2.4 Decisions of the Council are binding on members.

2.5 Members have a duty not to comment on any matter in any way that undermines the
principle of collective responsibility for decisions of the Council.

2.6 Notwithstanding standing order 2.5, a member may have dissent to a decision
of the Council recorded provided the member has attended for the whole of the discussion and decision, and asks to record dissent immediately after the decision is made. The recording of any such dissent shall not affect standing order 2.4.

*Items by correspondence*2.7 Between meetings the Council may consider matters by correspondence.

2.8 Notwithstanding rule 2.7, any such matter subject to consideration by
correspondence will be tabled for discussion at the next meeting (as the case may be) at the request of any member, where time allows it.

2.8 The outcome of consideration by correspondence will be recorded in the minutes of
the next meeting.

**3 Extraordinary meetings**

3.1 The Chair may call a meeting of the Council at any time, and shall do so on receipt of
a formal request which specifies the business to be transacted at the meeting and which has the support of 3 members. A formal request under this standing order must be sent to the Secretary.

**4 Agenda**

4.1 Notice of meetings, with an agenda detailing the business to be transacted, will be
issued electronically to each member not less than 10 days prior to the date of the meeting, together with copies of all relevant papers.

4.2 Any member may propose an item for the Agenda of an ordinary meeting by
contacting the Secretariat not less than 15 working days before the date of the meeting.

4.3 Any member wishing to raise an urgent item at the meeting must give notice at the
start of the meeting. The members present will decide whether any such item will be discussed or dealt with at a subsequent meeting.

**5 Minutes and publication of papers**

5.1 Minutes will be kept of each Council meeting, recording the members present,
apologies tendered and accepted for non-attendance, issues considered, decisions reached and resolutions passed.

5.2 Within 15 working days of a meeting, draft minutes (as revised or approved by the
Chair) will be circulated to all members. The minutes will thereafter be published on the Council website in draft form, no later than 20 working days after the meeting. The draft minutes will be tabled at the next meeting for approval. Once approved, minutes will be published on the Council website in final form and the draft minutes removed.

5.3 Where those present at a meeting of the Council determine that any part of the
business conducted is confidential, that part of the proceedings will be minuted separately and will not be published under standing order 5.2.

5.4 All or part of a Council meeting may be held in the absence of non-members where
those present determine that their presence may hinder free and open discussion of an item of business.

5.5 Agendas and papers for meetings will be published online alongside draft minutes
within 20 working days of a meeting, excluding:

* private papers and
* any papers or part thereof relating to an item determined to be confidential under standing order 5.3.

*Private papers*

5.6 At the commencement of each meeting the Council shall determine which papers are
to be considered private in terms of standing order 5.5. Private papers include, but are not restricted to,

* advice (including legal advice),
* documents in draft (including draft guidelines, papers for publication and responses to consultations) and
* papers which have been submitted to the Council in confidence.

**6 Communications**

*Communications with the public*

6.1 The Council website will be the primary means for communicating the activities of the Council to the public. The Secretary will publish information held by the Council to it in accordance with the Council’s publication scheme.

6.2 The Secretary will receive and log all correspondence to and from the Council. Any
such correspondence received or sent by an individual member in relation to the Council will be copied to the Secretary for this purpose.

6.3 The Secretary will present significant items of correspondence to the Council with
the Chair’s approval.

*Communications with members*

6.4 Correspondence with Council and committee members will primarily be via email.
This includes issuing of papers for meetings. The Secretary will make adjustments or provide documents in alternative formats where these are required by persons with additional needs.

*Communications with the press*

6.5 The Secretary will liaise with the press as required on behalf of the Council.
Members who receive enquiries from the press should pass these to the Secretary.

*Public statements*

6.6 Public statements concerning the Council will normally be made by the Chair, or by
the Secretary acting on behalf of the Chair.

**7 Freedom of Information and Records Management**

 *Freedom of Information (Scotland) Act 2002*

7.1 The Secretary will log and maintain all significant and relevant documents and
information pertaining to the Council in accordance with the requirements of the Freedom of Information (Scotland) Act 2002 (FOISA) and the Data Protection Act 1998.

7.2 The Secretary will respond to requests made under FOISA on behalf of the Council.
The Secretary will seek the approval of the Chair in respect of all non-routine requests as to any response.

7.3 Where information or data is requested which relates to a Council member in
particular, the Secretary will take all reasonable steps to notify the member(s) in question of the request and proposed response before issuing any reply.

**8 Confidentiality**8.1 All members, the Secretary and any other person at Council and committee
meetings, have a duty:

1. not to discuss items of business agreed under standing order 5.3 to be confidential with any person who was not present at that meeting unless authorised to do so by the Chair;
2. not to disseminate correspondence not otherwise publicly available (including agendas, papers, draft rules and minutes of meetings, or parts thereof) beyond the membership or the Secretary, except with the approval of the Chair.

8.2 The Secretary will ensure that members’ attention is drawn to any confidential
items.

8.3 Decisions as to whether an item is confidential will be made by the Secretary with
regard to statutory obligations and in accordance with the publication scheme. Where there is any doubt as to whether an item should be treated as confidential, the Chair will determine the matter.

8.4 This standing order is without prejudice to the terms of the Public Interest Disclosure
Act 1998.