

STANDING ORDERS

1. General

- 1.1 The Scottish Courts and Tribunals Service (SCTS) is a body corporate established under Part 4 of the Judiciary and Courts (Scotland) Act 2008 (the Act). The SCTS is the holder of a non ministerial office within the Scottish Administration.
- 1.2 These standing orders, for regulation of the conduct and proceedings of the SCTS, are made under paragraphs 10, 11 and 13 of schedule 3 to the Act.
- 1.3 No standing order is to be made, read, applied or suspended in such a manner that contravenes any rule of law, legislative provision, or the terms of the SCTS Framework Agreement.
- 1.4 These standing orders are made by and can be altered or suspended, in whole or in part, by a majority of the members of the SCTS Board.
- 1.5 These standing orders and their Annexes should be reviewed on an annual basis.
- 1.6 Where these standing orders do not make specific provision, the Chair of the SCTS, in consultation with the Chief Executive, will have discretion to determine all questions of procedure for the conduct and proceedings of the SCTS.

2. Membership

- 2.1 Members are appointed to and hold office in the SCTS in accordance with the provisions of paragraphs 2 to 8 of schedule 3 of the Act, The Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Regulations 2015 (SSI 2015/53) and the SCTS Framework agreement. The collective membership of the SCTS will be known as, and may be referred to as, "the SCTS Board".
- 2.2 The SCTS Secretariat will manage the appointment process under the direction of the Lord President, maintain a register of members and ensure appropriate public access to information regarding membership is provided.
- 2.3 Membership is not representational of any personal or professional group or any professional body. Members of the SCTS are expected to subscribe to and comply with the code of conduct set out at Annex A.
- 2.4 Members will require to register their interests as defined in Annex A, within one month of the date of their appointment to the SCTS, in a register kept by the SCTS Secretariat for that purpose, which register will be available for public inspection.
- 2.5 Where a dispute arises as to whether a conflict of interest arises in respect of any member, the following procedure will apply:
- (a) in the event of the potential conflict arising during the course of a meeting the Chair of the SCTS will have the power to rule as to whether such a conflict exists. In the event of a positive ruling, the member concerned will not be permitted to be further involved in that part of the meeting affected by the conflict;

(b) in the event that the potential conflict arises outwith a meeting then the Chair of the SCTS will have power to rule as to whether such a conflict exists. In the event of a positive ruling, the member concerned will not be permitted to be further involved in the business affected by the conflict;

(c) before ruling in either of the circumstances set out in (a) or (b) above, the Chair of the SCTS may take views of other members of the SCTS as he or she deems necessary;

(d) a record of the area of potential conflict, the ruling reached and by whom will be retained.

3. Chair of the SCTS

3.1 Meetings of the SCTS will be chaired in accordance with paragraph 9 of Schedule 3 to the Act.

3.2 If in the opinion of the Chair of the SCTS any person present at a meeting is incapacitated, behaving inappropriately or without due consideration for other members or persons present, the Chair of the SCTS may require that person to leave the meeting.

4. Ordinary Meetings

4.1 The SCTS will meet at least six times in each financial year on dates and at times and places determined by the SCTS and specified in the notice calling the meeting. No period longer than three months should pass between meetings.

4.2 Notice of meetings, with an agenda detailing the business to be transacted, will be issued electronically to each member not less than seven days prior to the date of the meeting, together with copies of all relevant papers. Late papers will be issued or tabled only in exceptional circumstances.

4.3 Any member who wishes to receive notice of all or any meetings and the agenda and papers for those meetings in paper copy, must ensure that the SCTS Secretariat receives notice to that effect in time for the SCTS Secretariat to meet the requirements of standing order 4.2.

4.4 Failure to comply with 4.2 above will not affect the validity of a meeting.

4.5 Where business to be transacted has not been completed within the time allotted for a meeting, those present may resolve to continue the meeting in order to deal with the business.

4.6 Any business not completed may become part of the agenda for the next meeting of the SCTS.

4.7 All decisions must be made by the members of the SCTS unless an individual or Committee has been delegated to deal with a specific issue.

4.8 Decisions of SCTS will generally be by consensus of those attending meetings.

4.9 Any matter put to the vote is decided by a simple majority. In the event of a tie, the Chair of the SCTS 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.

4.10 Voting will be by a show of hands unless any member requests a secret ballot.

4.11 Decisions of the SCTS are binding on all its members and staff.

4.12 A member may have his/her dissent to a decision of the SCTS recorded provided he/she has attended for the whole of the discussion and decision, and asks to record his/her dissent immediately after the decision is concluded. The recording of any such dissent shall not affect standing order 4.11.

4.13 No business shall be transacted at a meeting of the SCTS unless there are present at least seven members, of whom at least three are non-judicial members.

4.14 Apologies for absence should be tendered to the SCTS Secretariat and will be noted.

4.15 The Chair of the SCTS will regulate discussion and debate and will ensure that all present enjoy equality of opportunity to express their views.

5. Agenda

5.1 The agenda for Ordinary meetings of the SCTS will be prepared by the SCTS Secretariat and circulated to Board members for approval or comment at least two weeks in advance of the date of the meeting.

5.2 The following will be standing items on the Agenda of Ordinary meetings of the SCTS:

- Minutes of last meeting and issues arising
- Performance and Finance reports
- Corporate & Business Plan Delivery Status reports
- SCTS Board Decision Tracker

5.3 At least quarterly, reports will be received from the Estates, People and Audit committees which will update Board members on the progress being made in their areas of delegated responsibility.

5.4 The following items will be added to the Agenda of Ordinary meetings as need arises:

- Corporate Communications
- Planning and horizon scanning
- Corporate projects and attendant risks
- Property and Services Reports
- Staff issues
- Board Training

5.5 Any member may propose an item for the Agenda of an Ordinary meeting by contacting the SCTS Secretariat not less than fourteen days before the date of the meeting

5.6 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.

6. Special Meetings

6.1 The Chair of the SCTS may call a meeting of the SCTS 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 no fewer than 4 members of the SCTS. A formal request under this standing order shall be sent to the SCTS Secretariat.

6.2 Where a formal request is received in accordance with the above, the meeting shall be held within fourteen days of receipt of the request and no business shall be transacted at that meeting other than that specified in the request.

6.3 If the Chair of the SCTS refuses to call a meeting after a formal request is received in accordance with the above, or if, without so refusing, does not call a meeting within seven days after such request has been presented, those members who presented the request may require the SCTS Secretariat to call a meeting forthwith subject to the provision that no business shall be transacted at the meeting other than that specified in the request. The SCTS Secretariat shall comply with a requirement under this standing order.

7. Minutes

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

7.2 Within five working days of a meeting, draft minutes will be sent by the SCTS Secretariat to the Chair of the SCTS for approval. The Chair of the SCTS will return the draft minutes, with such revisions as he or she wishes made to the draft, to the SCTS Secretariat within five working days. The revised draft minutes returned by the Chair of the SCTS, or, where it is not possible for any reason to obtain a revised draft from the Chair of the SCTS, an unrevised draft, will be circulated to all members within fifteen working days of the meeting and will be published on the SCTS website with the caveat that these have yet to be approved. The draft minutes will be tabled at the next meeting for approval.

7.3 Where those present at a meeting of the SCTS or any of its committees 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 7.4.

7.4 Once approved, minutes will be published on the SCTS website in final form and the draft minutes removed. Minutes will be made available on the SCTS website for two years following the date of the meeting after which time they will be removed and placed in an electronic archive by the SCTS Secretariat.

7.5 Decisions on issues of immediate importance to operational staff may be disseminated to them, notwithstanding the minutes of the meeting recording the decision having not been approved or published, but only with approval of the person chairing the meeting.

8. Committees

8.1 Committees established under paragraph 10 of Schedule 3 to the Act will operate strictly in accordance with the terms of their remit.

8.2 When establishing Committees, the SCTS will:

- determine the membership and period of appointment;
- select or confirm the arrangements for chairing of the committee meetings;
- establish the terms of reference (in consultation with the Committee);
- 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 SCTS.

8.3 The following will be standing committees of the SCTS:

- Audit
- Remuneration
- Estates, Health & Safety, Fire and Security
- People

8.4 The SCTS will review its Committee structure at least annually.

9. Decisions Reserved for the SCTS and Scheme of Delegation:

9.1 The following decisions are reserved for the SCTS:

- (a) strategic direction, corporate and business plans and budgets;
- (b) standing orders, including a scheme of delegation;
- (c) the establishment of terms of remit and reporting arrangements for all committees acting on behalf of the SCTS;
- (d) corporate financial and audit reporting arrangements;
- (e) corporate performance management reporting arrangements;
- (f) decisions on any recommendations for opening or closing courts;
- (g) approval of annual accounts.

9.2 A scheme of delegation is at Annex B.

10. Correspondence

10.1 All incoming correspondence to the SCTS body corporate is for the attention of the whole membership, whether addressed to any member or to the SCTS Secretariat.

10.2 The SCTS Secretariat will receive and log all correspondence to and from the SCTS body corporate. Any such correspondence received or sent by an individual member in relation to the SCTS will be copied to the SCTS Secretariat for this purpose.

10.3 Unless undue delay would occur or legislative requirements would not be met in relation to the giving of due attention to any item of correspondence, the SCTS Secretariat will present all significant items of correspondence to the next meeting of the SCTS.

11. Urgent actions

11.1 The Chair of the SCTS has the authority to require or permit the Chief Executive to take urgent action (on matters that are permitted to be delegated to an individual) or to reply to correspondence between meetings where the delay in exercising a function or in responding to correspondence is likely to be seriously detrimental to the interests of the SCTS or to be contrary to legislation.

11.2 If the issue in relation to which the urgent action relates is not one permitted to be delegated to an individual, agreement to take such action should be sought and obtained through electronic means of communication from a majority of the members of SCTS – always providing that within that majority there are at least three non-judicial members.

11.3 On every occasion standing order 11.1 or 11.2 is invoked, the circumstances will be reported to all members and to the SCTS Secretariat at the earliest opportunity. All such actions will be reported to the next meeting of the SCTS.

12. Public statements

12.1 Public statements concerning the SCTS will normally be made by the Chief Executive or by an officer authorised by the Chief Executive or by the SCTS. Where such statement relates to a novel or controversial matter the approval of a majority of the members of SCTS should be obtained, through electronic means if urgency requires, always providing that within that majority there are at least three non-judicial members.

13. Signing of Documents

13.1 Where any documents are required to be executed on behalf of the SCTS, they shall be signed:

- (i) by any two members; or
- (ii) by any person operating within their remit under the scheme of delegation at Annex B.

14. Confidentiality

14.1 All members, the SCTS Secretariat and any other person present at a meeting of the SCTS, have a duty:

- (a) not to discuss items of business agreed under standing order 7.3 to be confidential with any person who was not present at that meeting unless authorised to do so by the Chair of the SCTS or the Chief Executive, or
- (b) to comment on any matter in any way that undermines the principle of collective responsibility for decisions reached at such meetings.

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

15. Members' remuneration and expenses

15.1 The SCTS will remunerate the judicial member who is a justice of the peace, the non-judicial members and any other persons appointed to any committee established by it in accordance with the scales set out in Annex C to these standing orders, always provided that that person is not already in receipt of a publicly funded salary or payment for the time they expended on SCTS business.

15.2 The SCTS will reimburse expenses incurred by its members or any member of a committee established by the SCTS in accordance with scales set out in Annex C to these standing orders.

15.3 These sums of remuneration will be reviewed annually by the SCTS and be fixed in accordance with Scottish Government guidelines.

16. Interpretation

16.1 In these standing orders and in the annexes thereto:

“a non ministerial office holder within the Scottish Administration” means a body named as such in Section 126 (8)(a) of the Scotland Act 1998 as amended by an Order of Council made by Her Majesty under subsection (b) of that section;

“Chair of the SCTS” means the person chairing a meeting of the SCTS or where the term applies to a situation outwith a meeting of the SCTS, the Lord President of the Court of Session or, in the Lord President’s absence, the Lord Justice Clerk;

“Lord President” means the Lord President of the Court of Session;

“SCTS Secretariat” means any officer or officers appointed by the CEO of the SCTS to act in this capacity;

“financial year” means the period beginning with the establishment of the SCTS and ending on 31 March next occurring and each subsequent period of a year ending on 31 March;

“the SCTS website” means the worldwide website - www.scotcourtribunals.gov.uk

MEMBERS' CODE OF CONDUCT

Note – this Code is based on the Model Code of Conduct for Members of Devolved Public Bodies – last updated in February 2014

CONTENTS

Section 1: Introduction to the Code of Conduct

- Appointments to the Boards of Public Bodies
- Guidance on the Code of Conduct
- Enforcement

Section 2: Key Principles of the Code of Conduct

Section 3: General Conduct

- Conduct at Meetings
- Relationship with Board Members and Employees of SCTS
- Remuneration, Allowances and Expenses
- Gifts and Hospitality
- Confidentiality Requirements
- Use of SCTS Facilities
- Appointment to Partner Organisations

Section 4: Registration of Interests

- Category One: Remuneration
- Category Two: Related Undertakings
- Category Three: Contracts
- Category Four: Houses, Land and Buildings
- Category Five: Interest in Shares and Securities
- Category Six: Gifts and Hospitality
- Category Seven: Non Financial Interests

Section 5: Declaration of Interests

- (i) Introduction
- (ii) Interests which Require Declaration
- (iii) Your Financial Interests
- (iv) Your Non-Financial Interests
- (v) The Financial Interests of Other Persons
- (vi) The Non-Financial Interests of Other Persons
- (vii) Making a Declaration
- (viii) Frequent Declaration of Interests
- (ix) Dispensations

Section 6: Lobbying and Access to Members of Public Bodies

- Introduction
- Rules and Guidance

Annexes

- Annex A/1 Sanctions for Breach of Code
- Annex A/2 Definitions

SECTION 1:

INTRODUCTION TO THE CODE OF CONDUCT

1.1 This code of conduct is derived from the recommendations of the Committee on Standards in Public Life and is similar to the codes of conduct followed by other devolved public bodies in Scotland.

1.2 The Scottish public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. As a member of SCTS you must meet those expectations by ensuring that your conduct is above reproach. Although the code relates to your behaviour as a member of the SCTS, as a consequence of your membership of the SCTS, this code may equally apply to you in your private life.

1.3 As a member of SCTS, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct.

Appointments to the Boards of Public Bodies

1.4 Public bodies in Scotland are required to deliver effective services to meet the needs of an increasingly diverse population. It is critical to the success of public bodies that they attract the best people for the job and therefore it is essential that the Board's appointment process should encourage as many suitable people to apply for positions and be free from unnecessary barriers. You should therefore be aware of the varied roles and functions of the SCTS and of wider diversity and equality issues.

Guidance on the Code of Conduct

1.5 You must observe the rules of conduct contained in this Code. It is your personal responsibility to comply with these and review regularly, and at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not at any time advocate or encourage any action contrary to the Code of Conduct.

1.6 The Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice initially from the SCTS Secretariat. The SCTS Secretariat may refer the matter to the CEO or Chair of the SCTS. You may also choose to consult your own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.

Enforcement

1.7 Failure to adhere to this code may give rise to grounds for your removal from the SCTS under the provisions of paragraph 7(3) of Schedule 3 to the 2008 Act. Before invoking that process, the Lord President, may chose to offer guidance, or a warning, or both, or to invoke any of the sanctions outlined in Annex A/1.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 The general principles upon which this Code of Conduct are based are:

Duty

You have a duty to act in the interests of the SCTS of which you are a member and in accordance with the statutory responsibilities of the SCTS.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

You should bear in mind at all times that your membership of the SCTS is not representational of any personal or professional group or any professional body. In particular, you should not allow any potential professional or personal interest or gain to influence your contribution to written or oral discussions within the SCTS or any vote taken.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit and in a way that is consistent with the functions of the SCTS when carrying out business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the SCTS uses its resources prudently and in accordance with the law.

Openness

Subject to SCTS Standing Orders 12 and 14, you have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the SCTS and its members in conducting public business.

Respect

You must respect fellow members of the SCTS and its employees and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of the SCTS.

2.2 You should apply the principles of this code to your dealings with fellow members of the SCTS and its employees.

SECTION 3:**GENERAL CONDUCT**

3.1 The rules of good conduct in this section must be observed in all situations where you act as a member of the SCTS.

Conduct at Meetings

3.2 You must respect the Chair, your colleagues and employees of the SCTS in meetings. You must comply with rulings from the Chair in the conduct of the business of these meetings.

Relationship with SCTS Members and Employees (including those employed by contractors providing services)

3.3 You will treat your fellow Board members and any staff employed by the SCTS with courtesy and respect. It is expected that they will show you the same consideration in return. As a Board member you should be familiar with the SCTS policies in relation to bullying and harassment in the workplace and also lead by example in your own behaviour.

Remuneration, Allowances & Expenses

3.4 You must comply with any rules of the SCTS regarding remuneration, allowances and expenses.

Gifts and Hospitality

3.5 You must never ask for gifts or hospitality.

3.6 You are personally responsible for all decisions connected with the offer or acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in the SCTS. As a general guide, it is usually appropriate to refuse offers except:

- (a) isolated gifts of a trivial character or inexpensive seasonal gifts such as a calendar or diary, or other simple items of office equipment of modest value (not exceeding £50);
- (b) normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse; or
- (c) gifts received on behalf of the SCTS.

3.7 You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

3.8 You must not accept repeated hospitality or repeated gifts from the same source.

3.9 You must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision the SCTS may be involved in determining, or who is seeking to do business with SCTS, and which a person might reasonably consider could have a bearing on your judgement. If you are making a visit in your capacity as a member of the SCTS, then as a general rule you should ensure that SCTS pays for the costs of the visit.

3.10 You should familiarise yourself with the terms of the Bribery Act 2010 which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality Requirements

3.11 There may be times when you will be required to treat discussions, documents or other information relating to the work of the SCTS in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. There are provisions in legislation on the categories of confidential and exempt information and you must always respect and comply with the requirement to keep such information private.

3.12 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purposes of personal or financial gain or for political purposes or used in such a way as to bring the SCTS into disrepute.

Use of SCTS Facilities

3.13 Members of SCTS must not misuse facilities, equipment, stationery, telephony, computer, information technology equipment and services, or use them for, party political or campaigning activities. Use of such equipment and services, etc must be in accordance with the SCTS's policy and rules on their usage. Care must also be exercised when using social media networks not to compromise your position as a member of the public body.

Appointment to Partner Organisations

3.14 You may be appointed, or nominated by the SCTS, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.

3.15 Members who become directors of companies as nominees of the SCTS will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the SCTS. It is your responsibility to take advice on your responsibilities to the SCTS and to the company. This will include questions of declarations of interest.

SECTION 4:

REGISTRATION OF INTERESTS

4.1 The following paragraphs set out the kinds of interests, financial and otherwise which you have to register. These are called "Registerable Interests". You must, at all times, ensure that these interests are registered, when you are appointed and whenever your circumstances change in such a way as to require change or an addition to your entry in the SCTS's Register. It is your duty to ensure any changes in circumstances are reported to the SCTS Secretariat within one month of the change.

4.2 Annex A/2 contains key definitions to help you decide what is required when registering your interests under any particular category. These categories are listed below with explanatory notes designed to help you decide what is required when registering your interests under any particular category.

Category One: Remuneration

4.3 You have a Registerable Interest where you receive remuneration by virtue of being:

- employed;
- self-employed;
- the holder of an office;
- a director of an undertaking;
- a partner in a firm; or
- undertaking a trade, profession or vocation or any other work.

4.4 In relation to 4.3 above, the amount of remuneration does not require to be registered and remuneration received as a member does not have to be registered.

4.5 If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two, "Related Undertakings".

4.6 If you receive any allowances in relation to membership of any organisation, the fact that you receive such an allowance must be registered.

4.7 When registering employment, you must give the name of the employer, the nature of its business, and the nature of the post held in the organisation.

4.8 When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.

4.9 Where you undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication, and the frequency of articles for which you are paid.

4.10 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and the nature of its business.

4.11 Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Related Undertakings

4.12 You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.

4.13 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.

4.14 The situations to which the above paragraphs apply are as follows:

- you are a director of a board of an undertaking and receive remuneration – declared under Category One – and
- you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

4.15 You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph 4.19 below) have made a contract with the SCTS:

- (i) under which goods or services are to be provided, or works are to be executed; and
- (ii) which has not been fully discharged.

4.16 You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Houses, Land and Buildings

4.17 You have a registerable interest where you own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of the SCTS.

4.18 The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in houses, land and buildings could potentially affect your responsibilities to the SCTS and to the public, or could influence your actions, speeches or decision-making.

Category Five: Shares and Securities

4.19 You have a registerable interest where you have an interest in shares which comprise of the share capital of a company or other body which may be significant to, of relevance to, or bear upon, the work and operation of (a) the SCTS and (b) the **nominal value** of the shares is:

- i. Greater than 1% of the issued share capital of the company or other body; or
- ii. Greater than £25,000

Where you are required to register the interest you should provide the registered name of the company in which you hold shares. The amount or value of the shares does not have to be registered.

Category Six: Gifts and Hospitality

4.20 You must register the details of any gifts or hospitality received within your current term of office. This record will be available for public inspection. It is not however necessary to record any gifts or hospitality as described in paragraph 3.6 (a) to (c) of this code.

Category Seven: Non-Financial Interests

4.21 You may also have a registerable interest if you have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of the SCTS. It is important that relevant interests such as membership or holding office in other public bodies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described.

4.22 In the context of non-financial interests the test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any non-financial interest could potentially affect your responsibilities to the SCTS and to the public, or could influence your actions, speeches or decision-making.

SECTION 5:

DECLARATION OF INTERESTS

Introduction

5.1 The key principles of the Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement for you to declare certain interests in proceedings of the SCTS. Together with the rules on registration of interests, this ensures transparency of your interests which might influence, or be thought to influence, your actions.

5.2 The SCTS inevitably has dealings with a wide variety of organisations and individuals and this Code indicates the circumstances in which a business or personal interest must be declared. Public confidence in the SCTS and its members depends on it being clearly understood that decisions are taken in the public interest and not for any other reason.

5.3 In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must comply with "*the objective test*" which is whether a member of

the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a member of the SCTS.

5.4 If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. If a Board member is unsure as to whether a conflict of interest exists they should seek advice from the SCTS Secretariat who may, in turn, seek advice from the board chair.

5.5 In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare an interest. Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. You must always remember that the public interest points towards transparency and, in particular, a possible divergence of interest between the SCTS and another body. Keep particularly in mind the advice in paragraph 3.15 of this code about your legal responsibilities to any limited company of which you are a director.

Interests which Require Declaration

5.6 Interests which require to be declared may be financial or non-financial. They may or may not be interests which are registerable under this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with (a) your financial interests (b) your non-financial interests and (c) the interests, financial and non-financial, of other persons.

5.7 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a member of a public body. In the context of any particular matter you will need to decide whether to declare an interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a member of a public body as opposed to the interest of an ordinary member of the public.

Your Financial Interests

5.8 You must declare, if it is known to you, any financial interest (including any financial interest which is registerable under any of the categories prescribed in Section 4 of this Code). There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.9 You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

Your Non-Financial Interests

5.10 You must declare, if it is known to you, any non-financial interest if:

- (i) that interest has been registered under category seven (Non-Financial Interests) of Section 4 of this Code; or
- (ii) that interest would fall within the terms of the objective test.

5.11 There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.12 You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

The Financial Interests of Other Persons

5.13 This Code requires only your financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons. You must declare if it is known to you any financial interest of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registerable gift or registerable hospitality;
- (vi) a person from whom you have received registerable expenses.

5.14 There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.15 You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.16 This Code does not attempt the task of defining "relative" or "friend" or "associate". Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of the Model Code of conduct on which it is based. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a member of the SCTS and, as such, would be covered by the objective test.

The Non-Financial Interests of Other Persons

5.17 You must declare if it is known to you any non-financial interest of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registerable gift or registerable hospitality;
- (vi) a person from whom you have received registerable election expenses.

5.18 There is no need to declare the interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test. There is only a need to withdraw from the meeting if the interest is clear and substantial.

Making a Declaration

5.19 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

5.20 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Frequent Declarations of Interest

5.21 Public confidence in a public body is damaged by perception that decisions taken by that body are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings in respect of your role as a board member you should not accept a role or appointment with that attendant consequence. If members are frequently declaring interests at meetings then they should consider whether they can carry out their role effectively and discuss with their chair. Similarly, if any appointment or nomination to another body would give rise to objective concern because of your existing personal involvement or affiliations, you should not accept the appointment or nomination.

Dispensations

5.22 In very limited circumstances dispensations can be granted by a majority of the other members of the SCTS in relation to the existence of financial and non-financial interests which would otherwise prohibit you from taking part and voting on matters coming before the SCTS and its committees. Applications for dispensations should be made as soon as possible in order to allow proper consideration of the application in advance of meetings where dispensation is sought. You should not take part in the consideration of the matter in question until the application has been granted.

SECTION 6:

LOBBYING AND ACCESS TO MEMBERS OF THE SCTS

6.1 In order for the SCTS to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the SCTS conducts its business.

6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of SCTS and interest groups.

Rules and Guidance

6.3 You must not, in relation to contact with any person or organisation who lobbies, do anything which contravenes this Code of Conduct or any other relevant rule of the SCTS or any statutory provision.

6.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the SCTS.

6.5 The public must be assured that no person or organisation will gain better access to, or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the SCTS.

6.6 Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation who is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code.

6.7 You should not accept any paid work:

- (a) which would involve you lobbying the SCTS on behalf of any person or organisation or any clients of a person or organisation.
- (b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence the SCTS and its members. This does not prohibit you from being remunerated for activity which may arise because of, or relate to, membership of the SCTS, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

6.8 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance of the SCTS Secretariat.

ANNEX A/1**SANCTIONS AVAILABLE TO THE LORD PRESIDENT FOR BREACH OF THE CODE**

- (a) Censure – the Lord President may reprimand the member but otherwise take no action, or,
- (b) Issue a warning letter to the member advising that if conduct is repeated or not corrected within a given period this could result in paragraph 7 (3) of schedule 3 of the Act being invoked; or
- (c) Removal of the member under paragraph 7(3) of schedule 3 of the Act.

ANNEX A/2**DEFINITIONS**

1. “Remuneration” includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.
2. “Undertaking” means:
 - a) a body corporate or partnership; or
 - b) an unincorporated association carrying on a trade or business, with or without a view to a profit.
3. “Related Undertaking” is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.
4. “Parent Undertaking” is an undertaking in relation to another undertaking, a subsidiary undertaking, if:
 - a) it holds a majority of the voting rights in the undertaking; or
 - b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or
 - c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking’s memorandum or articles or (ii) by virtue of a control contract; or
 - d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.
5. “Group of companies” has the same meaning as “group” in section 474(10) of the Companies Act 2006. A “group”, within section 474(1) of the Companies Act 2006, means a parent undertaking and its subsidiary undertakings.
6. “Public body” means a devolved statutory public body or body corporate
7. “A person” means a single individual or legal person and includes a group of companies.
8. “Any person” includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.
9. “Spouse” does not include a former spouse or one who is living separately & apart from you.
10. “Cohabitee” includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.
11. “Chair” see paragraph 16 of the Standing Orders.

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD – SCHEME OF DELEGATION

Board Responsibility	Delegated Responsibility	Delegated To
<p>1. Governance, Scrutiny & Risk</p> <p>1.1 Ensure effective governance and scrutiny of all aspects of the business of the SCTS.</p> <p>1.2 Set the overall framework for risk, control and governance.</p>	<p>1.1.1 Ensure that SCTS has sound internal governance arrangements and controls – and that it fully meets requirements for regularity and propriety in all its financial arrangements, including compliance with the Scottish Public Finance Manual and appropriate use of risk registers.</p>	<p>Chief Executive</p>
	<p>1.1.2 Ensure that the Board has an opportunity to scrutinise thoroughly any novel or contentious proposals, including those which otherwise fall within delegated financial limits.</p>	<p>Chief Executive</p>
	<p>1.1.3 Take all necessary steps to ensure that the assets, interests and reputation of the SCTS are properly protected, particularly where urgent action is required, and ensuring that significant issues affecting the assets, interests or reputation of the SCTS are brought to Board attention as soon as possible.</p>	<p>Chief Executive</p>
	<p>1.1.4 On behalf of the SCTS Board, scrutinise staff engagement, morale, resourcing and deployment, skills and qualifications and how well these fit with current and anticipated business needs.</p>	<p>People Committee</p>
	<p>1.1.5 On behalf of the SCTS Board, scrutinise the quality, efficiency, effectiveness and economy of the operation of the court estate and delivery of the SCTS's Carbon Reduction commitment programme.</p>	<p>Estates, Health & Safety, Fire and Security Committee</p>
	<p>1.2.1 Scrutiny of strategic arrangements for risk, control and governance, accounting policies, oversight of annual accounts and other matters as agreed in Audit Committee remit.</p>	<p>Audit Committee</p>
	<p>1.2.2 Identify key risks to the effective, efficient and economical operation of the SCTS arising from staffing issues and ensure that these are managed and mitigated effectively.</p>	<p>People Committee</p>
	<p>1.2.3 Identify key risks to the effective, efficient and economical operation of the court estate and ensure that these are managed and mitigated effectively.</p>	<p>Estates, Health & Safety, Fire and Security Committee</p>

Board Responsibility	Delegated Responsibility	Delegated To
<p>2. Strategy, Planning & Performance</p> <p>2.1 Set strategic direction of the organisation, including its strategic priorities and objectives, approval of the Corporate Plan, annual business plan and associated performance framework.</p> <p>2.2 Monitor performance against agreed framework and progress on Business plan delivery. Approve remedial action where required.</p> <p>2.3 Respond to proposals and consultations issued by Scottish Ministers, the Scottish Parliament or any other body or group where the proposed changes would have a substantial impact on the future operation, jurisdiction or core function of the SCTS and/or would increase costs by more than £250k.</p>	<p>2.1.1 Management of staff, finances and other resources to meet agreed performance measures, milestones and targets set in the Corporate and Business Plans.</p> <p>2.1.2 Alert the SCTS Board to any performance, budget or delivery concerns with significant potential reputational or financial implications, or which could impact on the delivery of the SCTS's strategic aims and objectives.</p> <p>2.2.1 Prompt and accurate reporting to the Board on achievement of performance measures, milestones and targets.</p> <p>2.2.2 Advise on the formulation and monitor delivery of the SCTS people strategy. Scrutinise proposals, consultations, policies, reports and performance information relevant to SCTS people issues. Ensure alignment of these with other SCTS strategies and priorities – approving remedial action and reporting to the Board where these would have a substantial impact.</p> <p>2.2.3 Advise on the formulation and monitor delivery of the SCTS estates strategy. Scrutinise proposals, consultations, policies, reports and performance information relevant to SCTS estates issues. Ensure alignment of these with other SCTS strategies and priorities – approving remedial action and reporting to the Board where these would have a substantial impact.</p> <p>2.3.1 Keep the Board informed of consultations underway or proposals received. Where the Board considers the impact would be substantial, providing business analysis and any other evidence available to support the Board's consideration of the issues and eventual response. For all other proposals, providing business analysis as an official response.</p> <p>2.3.2 Consider and provide advice to the SCTS Board, as required, on any consultations or proposals with significant potential implications for the SCTS as an employer.</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>People Committee</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>Chief Executive</p> <p>People Committee</p>

Board Responsibility	Delegated Responsibility	Delegated To
<p>3. Resourcing & Expenditure</p> <p>3.1 Consider and approve the Capital and Revenue budgets for the SCTS over spending review periods, including formal approval of forecasts of receipts due from fees, fine income retention or other sources outside government.</p> <p>3.2 Consider and approve Adjustments to budgets beyond the limits delegated to the Chief Executive and Executive Directors.</p> <p>3.3 Authorise payments in respect of legal claims or ex gratia payments above £50k.</p> <p>3.4 Approve any increase in permanent, full-time equivalent staff numbers over current agreed baseline.</p>	<p>3.1.1 Expenditure from within budgets approved by the Board for business delivery.</p> <p>3.1.2 Set level of remuneration for members of the Board and its Committees not otherwise remunerated from public funds.</p> <p>3.1.3 Approve and review strategic planning for the SCTS estate, ensuring alignment between investment priorities and the aims and objectives set by the SCTS Board.</p> <p>3.2.1 Transfer of budget allocation between approved cost categories up to a maximum of £250k.</p> <p>3.2.2 Within the budget totals agreed by the SCTS Board for estates, health, safety and security, agree investment priorities and any required adjustments to budgets for relevant areas of expenditure beyond the limits delegated to the Chief Executive and Executive Directors in order to ensure that investment is carried out in the optimal manner.</p> <p>3.3.1 Authorise payments in respect of legal claims or ex gratia payments up to £50k.</p> <p>3.3.2 Monitor individual legal claims by, or <i>ex gratia</i> payments made to, staff (or former staff) for failures in people management systems.</p> <p>3.3.3 Monitor the risk to SCTS of individual compensation payments exceeding 50k, relevant to the estate, health, safety and security.</p> <p>3.4.1 Scrutinise information on SCTS workforce data and its alignment with the SCTS pay budget.</p>	<p>Chief Executive</p> <p>Remuneration Committee</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>Chief Executive</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>Chief Executive</p> <p>People Committee</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>People Committee</p>

Board Responsibility	Delegated Responsibility	Delegated To
<p>4. Project Approval & Management</p> <p>4.1 Approve level 1 and 2 projects.</p> <p>4.2 Approve changes to business case, including budget, for level 1 and 2 projects if beyond the agreed contingency allocation for the project.</p> <p>4.3 Routine review, at least twice per year, of level 1 projects.</p> <p><i>Note – project levels are defined on p23</i></p>	<p>4.1.1 Management of project, including project expenditure within agreed budget including contingency allocation.</p> <p>4.1.2 Commission Gateway Reviews for level 1 projects.</p> <p>4.2.1 Consider and approve business cases for all level 1 and 2 estates, health, safety and security projects. Monitor routinely level 1 project reports and, monitor reports if level 1 and 2 projects are not on track.</p> <p>4.2.2 Consider and approve business cases for all level 1 and 2 HR projects. Monitor routinely level 1 project reports and, monitor reports if level 1 and 2 projects are not on track.</p> <p>4.3.1 Routine reporting of progress on level 1 projects to Board and immediate reporting of level 1 or 2 projects no longer on track to deliver agreed outcomes.</p> <p>4.3.2 Management and review of level 3 projects.</p>	<p>Senior Responsible Owner (SRO) of each project</p> <p>SRO</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>People Committee</p> <p>SRO</p> <p>SRO</p>
<p>5. Statutory Compliance</p> <p>5.1 Ensure SCTS meets all statutory obligations, including those relating to health and safety, employment, building regulations, data protection, freedom of information and equality.</p>	<p>5.1.1 Monitor SCTS compliance with statutory obligations, keeping records of compliance achievement, taking actions within delegated limits wherever possible to ensure compliance and ensuring that statutory compliance issues are properly reflected in risk registers and annual assurance statement. Bringing to the Board for decision any compliance issues which cannot be resolved within delegated authority.</p> <p>5.1.2 Scrutinise information on compliance by the SCTS with its statutory and other obligations relating to health, safety & security and buildings. Report to the SCTS Board any significant risks of non-compliance which have the potential for reputational damage or financial impact.</p> <p>5.1.3 Scrutinise information on compliance by the SCTS with its statutory and other obligations relating to employment issues. Report to the SCTS Board any significant risks of non-compliance which have the potential for reputational damage or financial impact.</p>	<p>Chief Executive</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>People Committee</p>

Project Levels

The SCTS Project Control Framework characterises 3 levels of project:

- **Level 1** (high risk) – corporate projects which are subject to the Scottish Government’s Gateway Review criteria i.e. projects with a value of £5m or over or which are otherwise high risk or “mission critical”;
- **Level 2** (medium risk) – corporate projects which are not subject to the Gateway Review criteria or estate or other capital projects with a value between £1m and £5m.
- **Level 3** (low risk) – projects within individual directorates or estate or other capital projects with a value below £1m

Delegations to the Chief Executive

Where the Scheme delegates a responsibility to the Chief Executive that responsibility may be delivered on behalf of the Chief Executive by, or with the support of, other members of the Executive, although the Chief Executive remains accountable to the SCTS Board for its effective delivery.

Annex C

Table of Members' Remuneration

SCTS Board Members (Daily)	£303
-----------------------------------	-------------

Annex D Table of Members' Expenses

Allowance/Expense Type	SCTS Rate	Unit (no. of)
Subsistence (24 hour period) (also payable for overnight on sleepers)	Up to £30 (receipted)	per night
Personal Incidental Expenses Allowance	£5.00	per night
Staying with Friends & Family Allowance	£25.00	per night
Maximum Non Discounted Hotel Scheme Rate (fully vouched)	£90.00 £100.00*	Elsewhere London

*During certain peak periods accommodation costs in London may be higher than the stated allowance. In this case, approval should be sought to incur the extra cost.

Allowance/Expense Type	SCTS Rate	Unit (no. of)
Passenger Supplement	£0.05	per mile
	£0.01	per mile for each additional passenger
Standard Motor Mileage Rate		
First 10,000 miles	£0.45	per mile
Over 10,000 miles	£0.25	per mile
Motorcycles	£0.24	per mile