

ITEM 3.1: STANDING ORDERS

Purpose

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

Background

2. At the first FLC meeting (24 June 2013) members were presented with a paper (**Paper 2.1**) drawing member's attention to the Standing Orders. Members noted that recommendations for further standing orders would be would be put to the SCJC in terms of standing orders 9 (a) and (d).

Discussion

3. Standing order 9.2 (as originally drafted) provided that when establishing committees, the Council will:

(a) determine the membership and period of appointment

(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.

4. To satisfy the requirements of standing order 9.2 (a) and (d) the following standing orders were agreed by the SCJC at its meeting on 23 September:

- a) **General (standing orders 1.6 and 1.7):** these standing orders set out that the following standing orders apply to committee proceedings as they do the SCJC.
 - **General (1.1- 1.3, and 1.7)**

- **Membership:** conflicts of interest and committee membership (2.3 (a)-(d) 2.4-2.8)
 - **Ordinary Meetings:** collective responsibility, voting and recording of dissent (4.2 4.4-4.8, 4.10 – 4.12)
 - **Agenda: notice of agenda** (5.1-5.3)
 - **Minutes and Publication of Papers :** including new standing order 8.5 in relation to private papers (8.1-8.5)
 - **Committees:** delegated authority and arrangements for reporting (9.4-9.8)
 - **Communications:** these standing orders have also been amended to provide for the role of committee Chairs in relation to communications relating to the work of committees (11.1-11.6, 11.8)
 - **Freedom of Information (Scotland) Act:** including new provision for handling FOISA requests (12.1-12.3)
 - **Confidentiality** (13.1-13.4)
 - **Members' expenses:** (14.1)
 - **Code of conduct:** standing order 1.7 provides that the Members' Code of Conduct applies to committee members, with the exception of the requirement to register interests
- b) **Membership (standing orders 2.4 – 2.8):** these standing orders set out the rules governing period of tenure of committee membership and arrangements for resignation and removal of committee members.
- c) **Ordinary Meetings (standing orders 4.11 – 4.12):** these standing orders allow the Chair of a committee to nominate a member to act as Chair in their absence, define the quorum of a committee and make provision for committee meetings that are not quorate.
- d) **Minutes and publication of papers (standing order 8.5):** this standing order further defines what is meant by a private paper and commits the FLC to determining which papers, for each meeting, are private.
- e) **Committees (standing orders 9.4-9.8):** these standing orders outline the delegated authority of the committees and provisions for committees reporting back to the SCJC.
- f) **Freedom of Information (Sc) Act (FOISA) (standing orders 12.2 and 12.3):** these standing orders outline the procedures to be followed by the Council Secretariat

when a request under FOISA is received. Members will wish to note that there is a statutory obligation to respond to requests within 20 working days and as such that this should be borne in mind when dealing with any correspondence relating to a request under FOISA. Guidance on the implications on FOISA for SCJC and committee members will be produced by the Secretariat in due course.

5. Standing orders 9.2(a) and 9.2(d) have been amended to reflect the additional standing orders pertaining to committees.
6. The Standing Orders as amended are attached [**Paper 3.1A**]. For ease of reference, the amendments to the Standing Orders are italicized.
7. As part of the preparation for the SCJC's annual report, the Secretariat will review the standing orders in spring 2014 as part of a general 'stocktake' of the SCJC's operations in its first year.

Recommendation

8. **Members are invited to:**
 - a) **note the amendments to the standing orders; and**
 - b) **note the intention to review the standing orders in spring 2014.**

Scottish Civil Justice Council Secretariat

September 2013