



Scottish  
Civil Justice  
Council

# **Guide to information available through the Publication Scheme 2019**

[www.scottishciviljusticecouncil.gov.uk](http://www.scottishciviljusticecouncil.gov.uk)

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## Purpose of Publication Scheme

1. The [Freedom of Information \(Scotland\) Act 2002](#) (“FOISA”)<sup>1</sup> 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.
  
2. In addition, the [Environmental Information \(Scotland\) Regulations \(2004\)](#)<sup>2</sup> (the EIRs) require authorities to publish environmental information proactively, particularly information they hold in electronic formats in compliance with the [Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)<sup>3</sup>.
  
3. The Scottish Civil Justice Council (“the Council”) adopted the [Model Publication Scheme](#) (“MPS”) in 2013. The Council [Publication Scheme and Guide to Information](#) (the Guide) has since been updated in line with the 2018 MPS published by the Scottish Information Commissioner on 29 November 2018. The Council will keep the Guide under review and will update it to reflect any changes made in any future MPS.
  
4. The MPS 2018 is available here:  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/TheModelPublicationScheme.aspx>
  
5. There is more information about model schemes here:  
[www.itspublicknowledge.info/mps](http://www.itspublicknowledge.info/mps)

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<sup>1</sup> [Section 23 of FOISA](#)

<sup>2</sup> [Regulation 4 of the EIRs](#)

<sup>3</sup> [Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations](#)

6. The purpose of this Guide to Information 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.

# Principles

7. The MPS imposes [six principles](#) which apply to all information published through the Council's Guide:

Principle 1: Availability and formats

Principle 2: Exempt information

Principle 3: Copyright and re-use

Principle 4: Charges

Principle 5: Advice and assistance

Principle 6: Duration

Each principle is explained in detail below.

## Principle 1: Availability and formats

8. The majority of the information published by the Council is available on its website: [www.scottishciviljusticecouncil.gov.uk](http://www.scottishciviljusticecouncil.gov.uk). Where the information is published online, links are provided to relevant website pages or other sites as appropriate.
9. If you cannot reasonably access the information online, you can contact the Council's Secretariat and request the information in paper form<sup>4</sup>. In some cases a charge may be required for hard copy material.
10. 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.
11. This publication scheme will be reviewed regularly to accurately reflect the full range of information published.

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<sup>4</sup> [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)

## Principle 2: Exempt Information

12. The 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.
13. 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.
14. FOISA does not cover information held by the Council 'on behalf of' someone else; for example, information held by Council members in their personal or individual capacity on the Scottish Courts and Tribunal Service (SCTS) IT system.
15. The 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 ['Advice and assistance'](#) section below.

## Principle 3: Copyright and re-use

16. The information produced by the Council is subject to Crown copyright unless stated otherwise.
17. 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<sup>5</sup>. 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<sup>6</sup>. Where the Council does not hold copyright in information it publishes we will make this clear<sup>7</sup>.
18. The Open Government Licence is available at:  
<http://www.nationalarchives.gov.uk/doc/open-government-licence/>.

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<sup>5</sup> [UK Government Licensing Framework](#)

<sup>6</sup> [Re-Use of Public Sector Information Regulations 2015](#)

<sup>7</sup> [Copyright, Designs and Patents Act 1988](#)

## Principle 4: Charges

19. All information contained within the Council scheme is available free of charge where it can be downloaded from the Council's website or where it can be sent electronically by email. For those who cannot reasonably access the information online, a single print-out as on the website or, where available, a hard copy of the document can be requested.
20. 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 £6.00 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 SCTS for certain court-related matters and prescribed in Scottish Statutory Instruments, referred to as set out in statutory Fees Orders, as an appropriate comparator.

### *Postage costs:*

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

## **Principle 5: Advice and assistance**

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

By post: Scottish Civil Justice Council  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ

Telephone: 0131 240 6781

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

22. You may also request information that the Council does not publish. Requests for information under FOISA should be made in writing and can be sent by the email form at:  
[www.scottishciviljusticecouncil.gov.uk/publications/freedom-of-information/](http://www.scottishciviljusticecouncil.gov.uk/publications/freedom-of-information/).

## **Principle 6: Duration**

23. The information published through the Council's Guide will be available for at least two financial years following publication. Where information is continually updated, only the current information will be published. Previous versions of this information may be requested under section 1(1) of FOISA.



## Classes

24. The 2018 MPS 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 Scottish Civil Justice Council**

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

#### ***The Scottish Civil Justice Council***

25. The Council was established by the [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013](#) (“the 2013 Act”) on 28 May 2013. Its functions include preparing draft rules of procedure for the civil courts and advising the Lord President, who is the Head of the Scottish Judiciary, on the development of the civil justice system in Scotland. The Lord President has responsibility for general oversight and direction of the Council. Administrative support is provided by the SCTS.

26. The Council replaced the [Court of Session Rules Council](#) and the [Sheriff Court Rules Council](#). The Council took over the rule drafting functions of those bodies and has a wider role to advise and make recommendations on the civil justice system.

27. The Council’s website address is [www.scottishciviljusticecouncil.gov.uk](http://www.scottishciviljusticecouncil.gov.uk).

### ***Council Members***

28. Council membership is provided for at section 6 of the 2013 Act. Information on the current members of the Council is available at:

[www.scottishciviljusticecouncil.gov.uk/council/current-council-members/](http://www.scottishciviljusticecouncil.gov.uk/council/current-council-members/).

### ***Committees***

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

Information about the committees established by the Council, including their membership, is available at: [www.scottishciviljusticecouncil.gov.uk/committees](http://www.scottishciviljusticecouncil.gov.uk/committees)

### ***External Relations***

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

[The Scottish Government](#)

[The Scottish Legal Aid Board](#)

[The Faculty of Advocates](#)

[The Law Society of Scotland](#)

### ***Customer Charters***

31. The 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**

32. The Council's functions are set out in section 2(1) of the [2013 Act](#) and are:

- to keep the civil justice system under review;
- to review the practice and procedure followed in proceedings in the Court of Session and in civil proceedings in the Sheriff Appeal Court and sheriff court and in inquiry proceedings under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016<sup>8</sup>;
- to prepare and submit to the Court of Session draft civil procedure rules, draft fees rules and draft inquiry procedure rules;
- to provide advice and make recommendations to the Lord President on the development of, and changes to, the civil justice system, and
- to provide such advice on any matter relating to the civil justice system as may be requested by the Lord President.

33. The Council also has broad powers to help it carry out its functions, including the ability to make recommendations to the Scottish Ministers, conduct consultations, commission research and to consult and co-operate with such other persons as it considers appropriate. It may set up committees and ad hoc working groups to assist in carrying out its functions.

### **Annual Programme and Report**

34. The Council is required to produce an annual programme and report. The annual report must include a summary of any recommendations made by the Council during the period covered by the report.

35. The annual programme and annual report are published at: <http://www.scottishciviljusticecouncil.gov.uk/publications/scjc-and-other-organisations-publications>.

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<sup>8</sup> Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

## **SCJC Update**

36. The first SCJC Update was launched in January 2016. It was created by the Council Secretariat to provide stakeholders with regular information on the work of the Council and its committees. Updates are provided on a two monthly basis and are published on the Council's website at: <http://www.scottishciviljusticecouncil.gov.uk/publications/scjc-and-other-organisations'-publications>.

## **News**

37. News items are published at:

<http://www.scottishciviljusticecouncil.gov.uk/news>.

38. Rules which have been considered and approved by the Council for submission to the Court of Session are published at:

<http://www.scottishciviljusticecouncil.gov.uk/new-rules> once they have been laid before the Scottish Parliament.

## **Publications**

39. All Council publications, consultations, agendas and minutes of meetings are available on the Council's website free of charge. A guide to the layout of the Council's website can be found at

<http://www.scottishciviljusticecouncil.gov.uk/nav/sitemap>.

## **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**

40. The Council is an advisory body. Its functions (in general terms) are to provide advice and make recommendations to the Lord President on the civil justice system and to submit draft civil procedure rules to the Court of Session.
41. Information on how the Council operates is contained in its standing orders, available at: [www.scottishciviljusticecouncil.gov.uk/council](http://www.scottishciviljusticecouncil.gov.uk/council).
42. The Council will normally meet around 6 times in each financial year. Agendas and minutes of meetings and selected papers are published on the Council's website within 15 working days of the meeting at: [www.scottishciviljusticecouncil.gov.uk/council/meetings](http://www.scottishciviljusticecouncil.gov.uk/council/meetings). Agendas and minutes of meetings of the committees established by the Council are similarly published online at: [www.scottishciviljusticecouncil.gov.uk/committees](http://www.scottishciviljusticecouncil.gov.uk/committees)
43. 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 at [www.scottishciviljusticecouncil.gov.uk/consultations](http://www.scottishciviljusticecouncil.gov.uk/consultations)

## **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**

44. The SCTS (under [section 62 of the Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#)) is required to provide administrative support to the Council, including its operating costs.
45. The projected costs of the Council were outlined by the Scottish Government's Financial Memorandum to the Scottish Civil Justice Council and Criminal Legal Assistance Bill when it was introduced to the Scottish Parliament in May 2012.
46. Planned and actual expenditure, including staffing, is included in the Council's annual programme and report, respectively.
47. The expenses scheme which applies to Council and committee members is published at: [www.scottishciviljusticecouncil.gov.uk/council/procedures-and-guidance](http://www.scottishciviljusticecouncil.gov.uk/council/procedures-and-guidance). Information about the Council's actual expenditure, including expenses reimbursed, is published in the Council's Annual Report which can be viewed at <http://www.scottishciviljusticecouncil.gov.uk/publications/scjc-and-other-organisations-publications>.
48. Details of SCTS expenditure can be found in the latest [Annual Report and Accounts](#). Future plans are available in the [SCTS Corporate Plan 2017-20](#) and [SCTS Business Plan 2018-19](#).

## **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 authority.*

### **Our Resources**

49. Administrative support, including staff and accommodation, for the Council is provided by the SCTS.

Policies related to this include:

- [SCTS People Strategy 2018-2023](#)
- [Annual People Scorecard Analysis Report 2017/18](#)
- SCTS [Estates Strategy](#) 2016-2026
- [SCTS Mainstreaming Equality Report 2017](#)

50. Further information about the SCTS can be found here: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data>

51. The Council's Guide is available at <http://www.scottishciviljusticecouncil.gov.uk/publications/freedom-of-information> where a Records Management Plan and Retention Schedule, developed in conjunction with National Records Scotland<sup>9</sup>, are available.

52. From the 31<sup>st</sup> July 2017 the Scottish Civil Justice Council was formally listed under the [Scottish Courts and Tribunal Service Records Management Plan](#). This was as a result of the Council being added to the schedule to the [Public Records \(Scotland\) Act 2011](#) by way of the [Public Records \(Scotland\) Act 2011 \(Authorities\) Amendment Order 2015](#) which came into force on 17 September 2015.

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<sup>9</sup> [National Records of Scotland - Records Management](#)

## **Class 6: how we procure goods and services from external providers**

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

### **Procurement**

53. 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.
54. Tenders by the Council are carried out in accordance with SCTS procurement policies and are published on the Scottish Procurement website.
55. 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<sup>10</sup>](#)
56. There is also a [Finance and Procurement](#) page on the SCTS website.
57. Additional information on contracts beyond that set out on the Public Contracts Scotland Portal. 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*

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<sup>10</sup> [Procurement Reform \(Scotland\) Act 2014](#), the [Procurement \(Scotland\) Regulations 2016](#) and [Public Contracts \(Scotland\) regulations 2015](#)



*we deliver our functions and services.*

### **Annual Programme and Report**

58. The Council is required to prepare and publish an annual programme and annual report and lay copies before the Scottish Parliament. Both documents are published at:

[www.scottishciviljusticecouncil.gov.uk/publications/](http://www.scottishciviljusticecouncil.gov.uk/publications/).

### **Rules**

59. Rules which have been considered and approved by the Council for submission to the Court of Session are published at:

<http://www.scottishciviljusticecouncil.gov.uk/new-rules> once they have been laid before the Scottish Parliament.

### **Equality Reporting**

60. The Council does not hold this information but is provided for by the [SCTS Mainstreaming Equality Report 2017](#)<sup>11</sup>

## **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.*

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

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<sup>11</sup> [The Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)

## **Class 9: our open data**

**Description:** *Open data we make available described by the Scottish Government's Open Data Strategy and Resource Pack and available under an open license.*

62. 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](#)<sup>12</sup>.

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<sup>12</sup> [Scottish Government Open Data Strategy and Resource Pack](#)

# Document control sheet

Document information	
Full name of current version:	Model Publication Scheme 2019
Approver	KS
Responsible Manager	AC
Date of next planned review	01/11/2019
Approval & Publication	
Approval Date	07/01/2019
For publication (Y/N)	Y
Date published	07/01/2019
<b>Corrections / Unplanned or Ad hoc reviews (see Summary of changes below for details)</b>	

Summary of changes to document			
Date	Actioned by	Version	Brief description
10/06/2013	OT	1.0	New document created following approval of draft
08/03/2016	AH	2.0	Added class 9 and Information Assets Lists
31/01/2017	DR	3.0	Added paragraph 6, updates made to class 4 and class 6
02/10/2017	AC	4.0	Review of document, links updated
02/10/2018	AC	5.0	Review of document
07/01/2019	AC	6.0	Review of document, links updated, added 'last updated' date

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