

STAJAC meeting 24 June 2015- Paper 10.2

Future arrangements for carrying out the functions of STAJAC

1. Attached to this brief paper is the (final) draft advice to the Minister on future arrangements for carrying out the functions of STAJAC. This takes account of comments received from the consultation (the full consultation responses are attached at paper 10.1). There a number of (suggested) amendments to highlight, and which the Committee may want to discuss/agree, as set out below:
2. Some detail in the description of the current arrangements has been removed , in an effort to keep the paper short(ish). This could be further shortened if members felt that was necessary.
3. I have changed some of the language in section 3.1 , taking account of comments form the consultation.
4. In section 4.1 I have set the functions of a future Committee in the context of the definition of administrative justice that STAJAC has been working to. Also in 4.1 , I have made the proposed function more specific (using some of the language of the previous remit, and taking account of comment form the consultation).
5. Also, a function of providing advice to the SCJC has been added, as has a functions of contributing to scrutiny of tribunal rules. This is to take account of comments made by both CAS and LSS that the relationship with the Scottish Civil Justice Council merits consideration and clarification.
6. No specific functions in relation to keeping oversight of developments regarding further devolution of tribunals (and welfare benefits) has been included – should it? Or is the fourth bullet point ‘ monitoring developments in administrative justice in reserved areas and advise ministers on matters which may require SG attention’ sufficient?
7. In section 5.1 I have made some changes in response to comments from the consultation that the Ability to Command respect really stems from other characteristics – which I have now listed as being Knowledgeable (leading into a comment about members, which was there before) and Well informed (leading into the need for resources).