



SCS PROCEDURE FOR RESPONDING TO PARLIAMENTARY QUESTIONS (PQs)

With the establishment of the new Scottish Court Service as a Non-Ministerial Department, the procedure for handling PQs has changed.

The SCS Framework Document states that:

- *Scottish Ministers will not be accountable through Parliamentary Questions for the operations of the SCS.*
- *PQs to Ministers may, however, seek information from Ministers about matters for which the Scottish Government has a general responsibility, which Ministers cannot provide without assistance from the SCS. In particular, PQs may seek statistical information from the Scottish Ministers about the performance of the justice system, and Ministers may seek information from the SCS to enable them to respond to such questions. Section 68 of the Act requires the SCS to provide the Scottish Ministers with such information. As far as is practicable, the SCS will seek to provide such information timeously.*
- *The Scottish Parliament can also ask Ministers about their own relations with the SCS, e.g. about what Ministers have specified should be included in the SCS Corporate Plan, what guidance Ministers have issued to the SCS, and whether Ministers are considering using their default power to take back the functions of the SCS.*

Procedure from 1 April 2010

PQs on Matters that are the Operational Responsibility of the SCS

The Scottish Government will continue to co-ordinate responses to PQs and liaise with SCS on handling issues. If it is agreed that a question relates solely to matters that are the responsibility of the SCS, the Scottish Government will formally forward the question to the Scottish Court Service and Scottish Ministers will respond in the following terms:

“This question relates to operational matters that are the responsibility of the Scottish Court Service (SCS) corporate body. The question has been passed to the Chief Executive of the SCS who will reply in writing.”

The SCS will treat the request like other requests for information from an MSP or any other correspondent and should seek to reply as soon as possible **and not more than 20 working days from formal transfer of the question from the Scottish Government and its receipt by the SCS.**

A copy of the final reply will be issued to the Scottish Parliament Information Centre (SPICe), should any MSP wish to see it, and published on the SCS website.

PQs on Matters for which Scottish Ministers have Responsibility

Where a question relates to matters that are the responsibility of Scottish Ministers, but for which the Scottish Court Service or OPG hold relevant information, the Court Service or OPG will seek to supply that information as quickly as is practical, having regard to the parliamentary deadline for the PQ.

PQs relating to the Judiciary

The Lord President is not accountable to Parliament for the exercise of his judicial functions, including as Head of the Scottish Judiciary. If it is agreed by Scottish Government and SCS that a PQ or MCS case relates solely to matters that are within the judicial responsibilities of the Lord President, they should contact the Judicial Office for Scotland (0131 240 6812). Where it is agreed that a question relates to judicial matters and is outwith ministerial responsibility a reply should issue from Scottish Ministers in the following terms:

“This question relates to matters that are the responsibility of the Lord President, under his powers within Part 2 of the Judiciary & Courts (Scotland) Act 2008, and for which Scottish Ministers are not accountable”