

**DIRECTIONS TO THE SCOTTISH CRIMINAL CASES REVIEW COMMISSION
UNDER PARAGRAPH 3(1) OF SCHEDULE 9A TO THE CRIMINAL PROCEDURE
(SCOTLAND) ACT 1995**

In exercise of the powers conferred on them by paragraph 3(1) of Schedule 9A to the Criminal Procedure (Scotland) Act 1995^a, the Scottish Ministers hereby give the following directions to the Scottish Criminal Cases Review Commission:

Citation and commencement

1. These Directions may be cited as the Scottish Criminal Cases Review Commission (Fees) (No 2) Directions 2009 and shall come into force on 25 November 2009.

Interpretation

2. In these Directions-

“Board meeting” means a meeting of the members of the Commission (or a quorum thereof) for which an agenda of the business to be transacted at the meeting has been circulated in advance by or on behalf of the Chief Executive;

“Committee meeting” means a meeting of at least one member of the Commission and the Chief Executive or the Senior Legal Officer, when deputising on behalf of the Chief Executive, for the purpose of discussing the progress of cases, for which an agenda of the cases to be considered at the meeting has been circulated in advance by or on behalf of the Chief Executive;

“full day Board meeting” means any Board meeting other than a half day Board meeting;

“half day Board meeting” means a Board meeting which the Chief Executive has notified to members is to last for no more than four hours and which does last for no more than four hours;

“full day Committee meeting” means any Committee meeting other than a half day Committee meeting;

“half day Committee meeting” means a Committee meeting which the Chief Executive has notified to members is to last no more than four hours and which does last for no more than four hours;

“member” means a member of the Commission;

^a 1995 c.46. Schedule 9A was inserted by section 25 of the Crime and Punishment (Scotland) Act 1997. The functions conferred on the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

“the Chairman” means the chairman of the Commission;

“the Chief Executive” means the Chief Executive of the Commission; and

“the Schedule” means the Schedule to these Directions.

Remuneration of Commission members

3. (1) Remuneration shall be paid to members in accordance with the provisions of this paragraph.

(2) Where an item of work set out in column 1 of the Schedule is undertaken by a member, payment shall be made to that member on receipt of a claim under this paragraph-

(a) in the case of the Chairman, at the rate set out in column 2 of the Schedule in respect of that work; and

(b) in the case of any other member, at the rate set out in column 3 of the Schedule in respect of that work.

(3) No payment shall be made to a member in respect of item (b) in column 1 of the Schedule, for attendance on any day for which a fee is payable in respect of item (a) in that column.

Travel Allowance

4. (1) The Commission shall pay travel allowances to members in accordance with the provisions of this paragraph.

(2) Subject to sub-paragraph (4), where a member of the Commission requires to undertake any travel in connection with the functions of the Commission there shall be paid to that member on receipt of a claim under this paragraph-

(a) in respect of each hour spent travelling within the period 9am to 5pm –

(i) in the case of the Chairman, £60 and

(ii) in the case of any other member, £36.75; and

(b) in respect of each hour spent travelling outwith the period 9am to 5pm-

(i) in the case of the Chairman, £30; and

(ii) in the case of any other member, £18.37.

(3) Payment shall be made on a pro rata basis for any part of an hour spent travelling within the period mentioned in sub-paragraph (2)(a) or, as the case may be, (b).

(4) No payment shall be made to a member under this paragraph in respect of any time spent travelling during which the member undertook an item or items of work for which payment was made under paragraph 3.

Travel and Subsistence Expenses

5. (1) The Commission shall pay travel expenses and subsistence to a member in accordance with this paragraph.

(2) Subject to sub-paragraph (3), on receipt of a claim under this paragraph there shall be paid to any member in respect of—

(a) attendance at any Board or Committee meeting of the Commission which has been arranged at least two weeks in advance, the travel expenses from home or, if less, the travel expenses actually incurred by that member; and

(b) attendance at any other meeting or undertaking any other necessary travel in connection with the functions of the Commission, the travel expenses actually incurred by that member.

(3) The expenses of any necessary travel by private motor car by a member in connection with the functions of the Commission shall be paid at the mileage rates and in accordance with the rules applicable to members of the staff of the Scottish Ministers on the date of travel.

(4) Payment in respect of subsistence shall be made to a member in connection with the functions of the Commission undertaken by that member at the rates and in accordance with the rules applicable to members of the staff of the Scottish Ministers on the date on which those functions were undertaken.

Revocation

6. The Scottish Criminal Cases Review Commission (Fees) Directions 2009 are revoked.



A member of the staff of the Scottish Ministers

St Andrew's House,
Edinburgh
25 November 2009

SCHEDULE
REMUNERATION OF COMMISSION MEMBERS

Column 1 (<i>Work</i>)	Column 2 (<i>Chairman</i>)	Column 3 (<i>Member</i>)
(a) attendance at a full day Board or full day Committee meeting.	£425	£252
(b) attendance at a half day Board or half day Committee meeting.	£213	£126
(c) all work spent in preparation for a full day Board or full day Committee meeting that was attended.	£425	£252
(d) all work spent in preparation for a half day board meeting or a half day Committee meeting that was attended.	£213	£126
(e) time spent in preparation of an opinion on any case where such opinion is prepared at the prior written request of the Chief Executive and does not form part of the work of preparation for a Board or Committee meeting.	£60 per hour	£36.75 per hour
(f) time spent in attendance at any meeting of the Commission other than a Board or Committee meeting where such attendance has the approval of the Commission or is at the written request of the Chief Executive and does not form part of the work of preparation for a Board or Committee meeting.	£60 per hour	£36.75 per hour
(g) time spent carrying out any business on behalf of the Commission where such business has the approval of the Commission or is at the written request of the Chairman or the Chief Executive and does not form part of the work of preparation for a Board or Committee meeting.	£60 per hour	£36.75 per hour
(h) time spent in providing, with the approval or at the request of the Chairman or Chief Executive, written comments to other members on the business agenda where the member is unable to attend a full or half day Board or Committee meeting.	£60 per hour	£36.75 per hour