



# Management of Offenders (Scotland) Act 2019

2019 asp 14

## PART 3

### THE PAROLE BOARD

#### *Membership and appointment*

#### **42 Mandatory categories of member**

- (1) The 1993 Act is amended as follows.
- (2) In schedule 2, in paragraph 2—
  - (a) sub-paragraph (a) is repealed,
  - (b) sub-paragraph (b) is repealed.

#### **Commencement Information**

**II** S. 42 in force at 1.10.2020 by [S.S.I. 2020/283](#), [reg. 2\(h\)](#)

#### **43 Appointment to be for fixed period**

- (1) The 1993 Act is amended as follows.
- (2) In paragraph 2A of schedule 2, for the words from “such” to “is” there is substituted “the period of 5 years beginning with the date of appointment”.

#### **Commencement Information**

**I2** S. 43 in force at 1.10.2020 by [S.S.I. 2020/283](#), [reg. 2\(i\)](#) (with [reg. 3](#))

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*Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Membership and appointment. (See end of Document for details)*

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#### **44 Further appointment to membership**

- (1) The 1993 Act is amended as follows.
- (2) After paragraph 2D of schedule 2 there is inserted—

“2DA (1) A person who has been a member of the Parole Board is eligible for appointment to the membership on a subsequent occasion.

- (2) The exception to this is where the person's membership has previously ceased by virtue of—
  - (a) paragraph 2C, or
  - (b) paragraph 2D.”.

- (3) Paragraphs 2E to 2H of schedule 2 are repealed.
- (4) After paragraph 2H of schedule 2 there is inserted—

##### **“Automatic reappointment**

2HA (1) A member of the Parole Board is to be reappointed to the membership on the expiry of the period of the member's appointment, unless—

- (a) in any case, sub-paragraph (2) applies, or
- (b) where the member is not the chairperson, sub-paragraph (3) applies.

(2) This sub-paragraph applies if the member has declined to be reappointed.

(3) This sub-paragraph applies if the Scottish Ministers have accepted a recommendation made to them by the chairperson that the other member should not be reappointed.

(4) A recommendation of that kind may be made to the Scottish Ministers only if the chairperson is satisfied that—

- (a) the other member has failed to comply with any of the terms and conditions of membership by which the member is bound, or
- (b) the number of members required for the Board to carry out its functions is such that the services of the other member are no longer needed.

(5) The instrument of appointment of the member may be annotated or reissued so as to show that the member is reappointed under sub-paragraph (1).

- 2HB (1) Sub-paragraphs (2) and (3) apply in connection with paragraph 2HA(1).
- (2) The reference in paragraph 2HA(1) to the period of the appointment includes each period of reappointment under that paragraph.
  - (3) In addition—
    - (a) the provisions of paragraphs 1 to 2D apply in relation to reappointment under paragraph 2HA(1) as well as applying otherwise, and
    - (b) the references in paragraphs 1 to 2D to appointment are so far as necessary for this purpose to be read as including reappointment,

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which in particular means that reappointment is for 5 years at a time.”.

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**Commencement Information**

**I3** S. 44 in force at 31.12.2019 by [S.S.I. 2019/417](#), **reg. 2** (with **reg. 3**)

**45 References to the chairperson**

- (1) The 1993 Act is amended as follows.
- (2) In schedule 2—
  - (a) in paragraph 1, for the word “chairman” there is substituted “ chairperson ”,
  - (b) in paragraph 2J, for the word “Chairman” there is substituted “ chairperson ”.
- (3) In addition, a reference in an enactment, instrument or document to the chairman of the Parole Board for Scotland is to be read as if the reference were to the chairperson of the Parole Board for Scotland.

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**Commencement Information**

**I4** S. 45 in force at 1.10.2020 by [S.S.I. 2020/283](#), **reg. 2(j)**

**Changes to legislation:**

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Membership and appointment.