
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision with respect to the proceedings of the Parole Board for Scotland (“the Board”).

Part II of the Rules make general provisions which apply to every case except where otherwise expressly provided. They make provision for—

- (a) a dossier of information to be sent by the Scottish Ministers to the Board and, except in the case where the Board is considering whether to recommend the recall of a person who is released on licence (rule 3(2)), to the person concerned (rule 5 and the Schedule);
- (b) certain information not to be disclosed to the person concerned in certain cases (rule 6);
- (c) the person to whom the case relates to make written representations (rule 7);
- (d) the matters which may be taken into account by the Board in dealing with a case (rule 8);
- (e) the confidentiality of proceedings before the Board (rule 9);
- (f) certain procedural matters, such as the time, the sending of documents and irregularities (rules 10 12).

Part III of the Rules applies to all cases other than those dealt with under Part IV. They make provision for—

- (a) the composition of the Board in dealing with a case (rule 14);
- (b) the procedure to be followed by the Board (rule 15); and
- (c) the manner in which decisions may be taken by the Board (rule 16).

Part IV of the Rules applies to the case of any life prisoner, and any prisoner who falls to be treated as a life prisoner, and any prisoner subject to an extended sentence by virtue of section 210A of the Criminal Procedure (Scotland) Act 1995 who has been recalled to custody under section 17(1) of the 1993 Act, which is referred to the Board by the Scottish Ministers. They make provision for—

- (a) the composition of the tribunal to deal with the case (rule 18);
- (b) the general procedure to be followed, including, if need be, a preliminary hearing (rule 19);
- (c) a hearing of the case, unless both the Scottish Ministers and the prisoner (“the parties”) and the tribunal otherwise agree (rule 20);
- (d) notice of the hearing (rule 21);
- (e) a party to be represented (rule 22);
- (f) a party to call a person to give evidence or produce documents (rules 23 and 24);
- (g) a party to be accompanied by other persons (rule 25);
- (h) who may attend the hearing (rule 26);
- (i) the procedure at the hearing (rule 27); and
- (j) the manner in which decisions may be taken by the tribunal and notified (rule 28).

Part V of the Rules (rule 29) makes transitional provision and provides for the revocation of the Parole Board (Scotland) Rules 1993 and the Parole Board (Scotland) Rules 1995.