

## SCHEDULES

### SCHEDULE 4

Article 46.

#### THE PAROLE COMMISSIONERS

##### *Appointment*

- 1.—(1) The [F1Department of Justice] shall appoint Parole Commissioners.
- (2) The [F1Department of Justice] shall so far as reasonably practicable ensure that at any time—
- (a) at least one of the Commissioners is a person who holds or has held judicial office in any part of the United Kingdom or who is—
    - (i) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing; or
    - (ii) an advocate or solicitor in Scotland of at least 10 years' standing; or
    - (iii) a person who has a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41);
  - (b) at least one is a registered medical practitioner who is a psychiatrist;
  - (c) at least one is a chartered psychologist;
  - (d) at least one is a person appearing to the [F1Department of Justice] to have knowledge and experience of the supervision or aftercare of discharged prisoners;
  - (e) at least one is a person appearing to the [F1Department of Justice] to have knowledge and experience of working with victims of crime; and
  - (f) at least one is a person appearing to the [F1Department of Justice] to have made a study of the causes of delinquency or the treatment of offenders.
- (3) In sub-paragraph (2)—
- “chartered psychologist” means a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists;
- “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (c. 54).
- (4) The [F1Department of Justice] shall appoint a Chief Commissioner from among the Commissioners.
- (5) The [F1Department of Justice] may appoint a deputy Chief Commissioner from among the Commissioners.

#### Textual Amendments

- F1** Words in Sch. 4 para. 1 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 31(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)

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**Modifications etc. (not altering text)**

- C1** Sch. 4 para. 1(2)(c) modified (temp. from 3.6.2009 to 30.6.2012) by [Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(Commencement No. 1 and Transitional Provisions\) Order of Council 2009 \(S.I. 2009/1357\)](#), **art. 3(b)**

*Tenure*

**2. A Commissioner—**

- (a) shall hold office in accordance with the terms of appointment; and
- (b) may resign by notice in writing to the [<sup>F2</sup>Department of Justice].

**Textual Amendments**

- F2** Words in Sch. 4 para. 2 substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), **Sch. 5 para. 31(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**3. The [<sup>F3</sup>Department of Justice] may, after consultation with the Lord Chief Justice, dismiss a Commissioner if satisfied**

- (a) that the Commissioner has without reasonable excuse failed to carry out any functions for a continuous period of 3 months beginning not earlier than 6 months before the day of dismissal;
- (b) that the Commissioner has been convicted of a criminal offence;
- (c) that a bankruptcy order has been made against the Commissioner, or the Commissioner's estate had been sequestrated, or the Commissioner has made a composition or arrangement with, or granted a trust deed for, the Commissioner's creditors; or
- (d) that the Commissioner is unable or unfit to carry out any functions of a Commissioner.

**Textual Amendments**

- F3** Words in Sch. 4 para. 3 substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), **Sch. 5 para. 31(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

*Rules*

**4.—(1) The [<sup>F4</sup>Department of Justice] may make rules with respect to the proceedings of the Commissioners.**

**(2) In particular rules may include provision—**

- (a) for the allocation of proceedings to panels of Commissioners;
- (b) for the taking of specified decisions by a single Commissioner;
- (c) conferring functions on the Chief Commissioner or deputy Chief Commissioner;
- (d) about evidence and information, including provision—
  - (i) requiring the Commissioners to send to the [<sup>F4</sup>Department of Justice] copies of such documents as the rules may specify;
  - (ii) requiring the [<sup>F4</sup>Department of Justice] to provide specified information to the Commissioners;

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- (iii) for the giving of evidence by or on behalf of the [<sup>F4</sup>Department of Justice], the Police Service of Northern Ireland and others;
- (iv) about the way in which information or evidence is to be given;
- (v) for evidence or information about a prisoner not to be disclosed to anyone other than a Commissioner if the [<sup>F4</sup>Department of Justice] certifies that the evidence or information satisfies conditions specified in the rules;
- (vi) preventing a person from calling any witness without leave of the Commissioners;
- (e) for proceedings to be held in private except where the Commissioners direct otherwise;
- (f) preventing a person who is serving a sentence of imprisonment or detention from representing or acting on behalf of a prisoner;
- (g) permitting the Commissioners to hold proceedings in specified circumstances in the absence of any person, including the prisoner concerned and any representative appointed by the prisoner.

(3) Where a prisoner and any representative appointed by the prisoner are excluded from proceedings by virtue of sub-paragraph (2)(g), the Advocate General for Northern Ireland may appoint a person to represent the prisoner's interests in those proceedings

(4) A person appointed under sub-paragraph (3) shall not be responsible to the prisoner whose interests the person so appointed represents.

(5) Until section 27 of the Justice (Northern Ireland) Act 2002 (c. 26) comes into force, sub-paragraph (3) shall have effect as if the reference to the Advocate General for Northern Ireland were a reference to the Attorney General for Northern Ireland.

#### Textual Amendments

**F4** Words in Sch. 4 para. 4 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

[<sup>F5</sup>**4A.**—(1) The Secretary of State may make rules with respect to the proceedings of the Commissioners for purposes connected with the holding, disclosure or use of protected information (as defined in Article 16(4)).

(2) In particular, rules under this paragraph may include—

- (a) provision for the purpose of ensuring that the Secretary of State is informed of cases where protected information may be relevant;
- (b) provision for dealing with cases pending a decision of the Secretary of State as to whether protected information is relevant;
- (c) provision for dealing with cases where protected information is relevant, including (in particular) provision modifying any rules made by the Department of Justice so as to require the Commissioners (or any of them), so far as required by the Secretary of State for purposes connected with any protected information—
  - (i) to conduct such cases, and otherwise carry out their functions, under the rules as if the Secretary of State were a party to the proceedings instead of, or in addition to, the Department of Justice, and
  - (ii) to permit the Secretary of State to carry out functions of the Department of Justice under the rules accordingly;
- (d) any provision mentioned in paragraph 4(2)(a) to (g).

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- (3) For the purposes of sub-paragraph (2)(d) above—
- (a) in paragraph 4(2) references to the Department of Justice are to be read as including references to the Secretary of State;
  - (b) paragraph 4(3) and (4) applies in relation to any provision made by virtue of paragraph 4(2)(g).
- (4) Rules made by the Department of Justice under paragraph 4 have effect subject to rules made by the Secretary of State under this paragraph.]

**Textual Amendments**

- F5** Sch. 4 para. 4A inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

*Remuneration and allowances*

5.—(1) The [<sup>F6</sup>Department of Justice] shall pay to or in respect of a Commissioner such remuneration, fees and allowances as the [<sup>F6</sup>Department of Justice] thinks fit.

(2) If a Commissioner resigns in accordance with paragraph 2(b), the [<sup>F6</sup>Department of Justice] may pay the Commissioner compensation if in the [<sup>F7</sup>Department of Justice's] opinion special circumstances make it appropriate.

**Textual Amendments**

- F6** Words in Sch. 4 para. 5 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F7** Words in Sch. 4 para. 5 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

*Staff, premises, etc.*

6. The [<sup>F8</sup>Department of Justice] shall provide for the Commissioners the services of such staff, and the use of such premises and other facilities, as the [<sup>F8</sup>Department of Justice] thinks appropriate.

**Textual Amendments**

- F8** Words in Sch. 4 para. 6 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

*Annual report*

7.—(1) The Chief Commissioner shall, as soon as reasonably practicable after the end of each financial year, make a report to the [<sup>F9</sup>Department of Justice] on the performance of the Commissioners' functions during the year.

[<sup>F10</sup>(2) The Department of Justice shall lay a copy of the report before the Assembly.]

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### Textual Amendments

- F9** Words in Sch. 4 para. 7(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(5)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F10** Sch. 4 para. 7(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(5)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)