

SCHEDULES

SCHEDULE 4

THE PAROLE COMMISSIONERS

Rules

4.—(1) The [F1Department 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 [F1Department of Justice] copies of such documents as the rules may specify;
 - (ii) requiring the [F1Department of Justice] to provide specified information to the Commissioners;
 - (iii) for the giving of evidence by or on behalf of the [F1Department 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 [F1Department 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.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Justice (Northern Ireland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

- F1** 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)

^{F2}**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).

(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.]

Annotations:

Amendments (Textual)

- F2** 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)

Changes to legislation:

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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. 2 para. 13 words inserted by 2013 c. 7 (N.I.) s. 6(3)(b)
- Sch. 2 Pt. 2 para. 13 words repealed by 2015 c. 2 (N.I.) Sch. 5
- Sch. 3 para. 5(5) inserted by 2016 c. 21 (N.I.) s. 32(2)
- Sch. 3 para. 6(1A) inserted by 2016 c. 21 (N.I.) s. 32(3)
- art. 4(2)(e) added by 2015 c. 2 (N.I.) s. 7(8)(a)
- art. 5(1)(b)(iv) and word added by 2015 c. 2 (N.I.) s. 7(8)(b)
- art. 7(3)(c) added by 2015 c. 2 (N.I.) s. 7(8)(c)
- 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)
- art. 50(2A) inserted by 2015 c. 9 (N.I.) s. 48(3)
- art. 70(2)(aa) inserted by 2014 c. 9 (N.I.) Sch. para. 4(2)
- art. 70(7)(8) inserted by 2014 c. 9 (N.I.) Sch. para. 4(3)
- art. 79(3)(aa) inserted by 2015 c. 9 (N.I.) s. 54(3)
- art. 100(3A) inserted by 2016 c. 21 (N.I.) s. 29(10)(b)

Commencement Orders yet to be applied to the The Criminal Justice (Northern Ireland) Order 2008

Commencement Orders bringing legislation that affects this Order into force:

- S.R. 2015/193 art. 2 commences (2014 c. 11 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))