

EXECUTIVE NOTE

THE PAROLE BOARD (SCOTLAND) AMENDMENT (No.2) RULES 2012

SSI 2012/197

1. The above instrument is proposed to be made in exercise of the powers conferred by section 20(4) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(a). The instrument is subject to negative resolution procedure.

Background

2. The Parole Board (Scotland) Rules 2001 (S.S.I. 2001/315) (“the 2001 Rules”) make provision to allow the Parole Board for Scotland (“the Board”) to consider the release of various categories of prisoner. Under Part III of the 2001 Rules, the Board considers cases using a simplified procedure which is based on a dossier of reports that is considered at a casework meeting. The Board can also conduct a Part III case meeting by means of an oral hearing at which the prisoner is present, should it consider such a hearing to be in the interest of justice. Under Part IV of the 2001 rules, which generally concerns the most serious categories of cases including prisoners sentenced to life imprisonment, cases are dealt with by way of a tribunal at which the prisoner is present.

Policy objective

3. This S.S.I is intended to correct a defect in S.S.I. 2012/167, and seeks to make clarify how many members can deal with particular categories of case under Part III of the Rules. It seeks to make further amendments to the 2001 rules, and makes three revocations to S.S.I. 2012/167.

4. Part III cases are presently considered by three members of the Board. Rule 2 of the present rules substitutes rule 14 of the 2001 Rules. The key changes are to 14(1) and 14(2). These changes are intended to specify that all Part III cases (other than those determined to be dealt with by way of an oral hearing under rule 15A of the 2001 rules) can be dealt with by 2 members of the Board, rather than 3. New rule 16(2), however, allows the chairman of the Board to appoint a third member to deal with cases where 2 members cannot reach a unanimous decision. Cases dealt with under rule 15A will continue to be dealt with by 3 members, except in the circumstances set out in rule 14(7), where they can be dealt with by 2 members.

Justice Directorate
June 2012