

2022 No. 10

PRISONS

The Parole Board (Scotland) Amendment Rules 2022

Made - - - - *18th January 2022*

Laid before the Scottish Parliament *20th January 2022*

Coming into force - - *10th March 2022*

The Scottish Ministers make the following Rules in exercise of the power conferred on them by section 20(4) of the Prisoners and Criminal Proceedings (Scotland) Act 1993^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Parole Board (Scotland) Amendment Rules 2022 and come into force on 10 March 2022.

Amendment of the Parole Board (Scotland) Rules 2001

2.—(1) The Parole Board (Scotland) Rules 2001^(b) are amended as follows.

(2) In rule 12A (use of a live link)—

(a) in paragraph (1) for “evidence of a witness, or of the person concerned, to be given” substitute “proceedings to take place”,

(b) after paragraph (1), insert—

“(1A) In considering the interests of justice for the purposes of paragraph (1) or (5), the Board or tribunal may take into account the risk of the proceedings not being able to take place other than through a live link.”,

(c) for paragraph (6) substitute—

“(6) In this rule “live link” means any arrangement as the Board may direct by which any or all of the members of the Board or the tribunal considering a case, the person concerned, or any other person entitled to attend a hearing are able to—

(a) be seen and be heard, or be heard, in the proceedings,

(b) see and hear, or hear, the proceedings,

^(a) 1993 c. 9. Section 20(4) was amended by paragraph 106 of schedule 8 of the Crime and Disorder Act 1998 (c. 37) and by section 5(1)(b) of the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7). The functions conferred on the Secretary of State were transferred to the Scottish Ministers by virtue of section 53(1) of the Scotland Act 1998 (c. 46).

^(b) S.S.I. 2001/315, as relevantly amended by S.S.I. 2010/164 and S.S.I. 2012/167.

while not present in the same place.”.

St Andrew's House,
Edinburgh
18th January 2022

KEITH BROWN
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Parole Board (Scotland) Rules 2001 (“the 2001 Rules”) to make provision about the use of live link technology for the purpose of proceedings of the Parole Board for Scotland (“the Board”) or proceedings of a tribunal of the Board.

Rule 2(2)(a) amends rule 12A of the 2001 Rules to provide that a live link may be used for any part of proceedings. Previously, a live link could only be used to enable an individual witness, or the prisoner in respect of whom the proceedings are taking place, to provide evidence to proceedings of the Board or tribunal. Rule 12A of the 2001 Rules was modified by paragraph 18 of schedule 4 of the Coronavirus (Scotland) Act 2020. These amendments will replace those modifications from the point at which they expire.

By virtue of rule 12A(1), the Board or tribunal may only make use of a live link for proceedings where it is in the interests of justice to do so. Rule 2(2)(b) amends rule 12A to provide that when considering the interest of justice for this purpose, the Board or tribunal may take into account the risk of the proceedings not taking place other than by live link.

Rule 2(2)(c) substitutes a new definition of “live link” for the purposes of rule 12A of the 2001 Rules. This updates the definition to clarify that references to “live link” are to arrangements whereby any Board (or tribunal) member, the prisoner, or any other person entitled to attend proceedings of the Board is able to be seen and heard at, be heard at, see and hear, or hear those proceedings despite not being present in the same place.

No Business or Regulatory Impact Assessment has been prepared for these Rules as no impact upon business, charities or voluntary bodies is foreseen.

An Equalities Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained online at www.legislation.gov.uk.

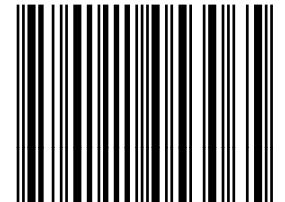
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