

SCHEDULES

SCHEDULE 2

Article 4.

COMMISSIONERS' PROCEDURE

Rules

1.—(1) The Secretary of State may make rules prescribing the procedure to be followed in relation to proceedings of the Commissioners under this Order, and in particular rules may—

- (a) make provision for the matters set out in this Schedule;
- (b) confer functions on the chairman.

(2) Rules under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946⁽¹⁾ shall apply accordingly.

Allocation of cases

2. The rules may provide—

- (a) for the allocation of proceedings to panels of Commissioners;
- (b) for the taking of specified decisions by a single Commissioner.

Evidence and information

3. The rules may make provision about evidence and information, including provision—

- (a) requiring Commissioners to send to the Secretary of State copies of such documents as the rules may specify;
- (b) requiring the Secretary of State to provide specified information to Commissioners;
- (c) for the giving of evidence by or on behalf of the Secretary of State, the Police Service of Northern Ireland and others;
- (d) about the way in which information or evidence is to be given;
- (e) for evidence or information about a prisoner not to be disclosed to anyone other than a Commissioner if the Secretary of State certifies that the evidence or information satisfies conditions specified in the rules;
- (f) preventing a person from calling any witness without leave of Commissioners.

Exclusion of persons from proceedings

4. The rules may provide for proceedings to be held in private except where Commissioners direct otherwise.

(1) 1946 c. 36.

5. The rules may prevent a person who is serving a sentence of imprisonment or detention from representing or acting on behalf of a prisoner.

6.—(1) The rules may permit Commissioners to hold proceedings in specified circumstances in the absence of any person, including the prisoner concerned and any representative appointed by him.

(2) Where a prisoner and any representative appointed by him are excluded from proceedings by virtue of sub-paragraph (1), the Attorney General may appoint a person to represent the prisoner's interests in those proceedings.

(3) A person appointed under sub-paragraph (2) shall not be responsible to the prisoner whose interests he represents.