
STATUTORY INSTRUMENTS

1997 No. 2317 (S.153)

PRISONS

SCOTLAND

The Parole Board (Scotland) Amendment Rules 1997

Made - - - - *24th September 1997*
Laid before Parliament *29th September 1997*
Coming into force - - *20th October 1997*

The Secretary of State, in exercise of the powers conferred upon him by section 20(4) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(1), and of all other powers enabling him in that behalf, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Parole Board (Scotland) Amendment Rules 1997 and shall come into force on 20th October 1997.

(2) In these Rules “the principal Rules” means the Parole Board (Scotland) Rules 1993(2).

Amendment of the principal Rules

2. In the definition of “prisoner” in rule 2(1) of the principal Rules for the word “discretionary” where it occurs in paragraphs (a) and (b) there shall be substituted the word “designated”.

3. In rule 2(2)(d) for the word “discretionary” there shall be substituted the word “designated”.

4. For rule 5(2) there shall be substituted the following rule:—

“(2) In relation to a Part IV case—

(a) which is referred to the Board before 20th April 1998; and

(b) where the person concerned is a prisoner who is treated as a designated life prisoner under or by virtue of section 16(2) to (4) of the Crime and Punishment (Scotland) Act 1997(3),

paragraph (1) shall apply as if there were substituted for the reference to 2 weeks a reference to 12 weeks.”.

(1) 1993 c. 9.
(2) S.I.1993/2225.
(3) 1997 c. 48.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

5. In rule 14 for the words “Without prejudice” where they occur in paragraphs (1) and (2) there shall be substituted the word “Subject”.

6. In rule 25(4) for the words “Without prejudice to” there shall be substituted the word “Notwithstanding”.

St Andrew’s House,
Edinburgh
24th September 1997

Henry B McLeish
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Parole Board (Scotland) Rules 1993 so as to—

- (a) make minor drafting alterations;
- (b) replace any references to “discretionary life prisoners” with references to “designated life prisoners”;
- (c) provide that, in a case where a person is a designated life prisoner under or by virtue of section 16(2) to (4) of the Crime and Punishment (Scotland) Act 1997 and his case is referred to the Board before 20th April 1998, the Secretary of State’s dossier requires to be submitted to the Board and the prisoner within 12 weeks of the reference.

The amendments referred to in paragraphs (b) and (c) above are in consequence of the coming into force on 20th October 1997 of section 16 of the Crime and Punishment (Scotland) Act 1997 which makes provision for certain persons to be treated as designated life prisoners.