
STATUTORY INSTRUMENTS

1999 No. 1116 (S. 89)

PRISONS

SCOTLAND

The Parole Board (Scotland) Amendment Rules 1999

<i>Made</i>	- - - -	<i>8th April 1999</i>
<i>Laid before Parliament</i>		<i>13th April 1999</i>
<i>Coming into force</i>	- -	<i>10th May 1999</i>

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 1999 and shall come into force on 10th May 1999.

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

Amendment of the principal Rules

2. In rule 2

(a) In the definition of “prisoner”–

(i) in subparagraph (b) after “the Act” there is inserted “or section 16(2) to (4) of the Crime and Punishment (Scotland) Act 1997”;

(ii) after subparagraph (b) there is inserted–

“; or

(c) a prisoner subject to an extended sentence by virtue of section 210A of the Criminal Procedure (Scotland) Act 1995(3)

(b) In paragraph (2)(b), after “2(4)” there is inserted “or 3A(4)”.

3. In rule 4 after “or (6)” there is inserted “or 3A(2)”.

(1) 1993 c. 9. Section 20(4) was amended by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 106.

(2) S.I.1993/2225, amended by S.I.s 1997/2317 and 1998/1904.

(3) 1995 c. 46. Section 210A was inserted by the Crime and Disorder Act 1998 c. 37, section 86.

Status: This is the original version (as it was originally made).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

4. In paragraph (1) of rule 17 after “or (6)” there is inserted “, 3A(2),”.

St Andrew’s House,
Edinburgh
8th April 1999

Henry McLeish
Minister of State, Scottish office

EXPLANATORY NOTE

(This note is not part of the Order)

These rules amend the Parole Board (Scotland) Rules 1993 in consequence of the Crime and Disorder Act 1998. That Act amended the Criminal Procedure (Scotland) Act 1995 so as to enable the courts to impose extended sentences on persons who have been convicted on indictment of sexual offences, or violent offences of four years or more. An extended sentence is the aggregate of the term of imprisonment which the court would otherwise have passed on the offender together with a further period for which the offender is to be subject to a licence.

Where an extended sentence prisoner is released and then recalled his case is to be dealt with by the Parole Board as a tribunal who will have the power under section 3A of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to direct the Secretary of State to release him if they are satisfied that it is not necessary for the protection of the public from serious harm that the prisoner should be confined.

The amendments to the rules ensure that the general provisions in Part II apply to extended sentence prisoners and apply the tribunal provisions in Part IV to extended sentence prisoners who have been recalled. There is also a minor amendment to rule 2 to clarify that the reference to a prisoner in relation to a tribunal case includes 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 (c. 48).