
STATUTORY INSTRUMENTS

2016 No. 1041

The Parole Board Rules 2016

PART 3

Proceedings on the papers

Consideration by single member appointed under rule 5(1)

14.—(1) Where a single member is appointed under rule 5(1) to consider the initial release of a prisoner serving an indeterminate sentence other than an IPP sentence, the single member must decide on the papers either that—

- (a) the prisoner is unsuitable for release, or
- (b) the case should be directed to an oral panel.

(2) Subject to paragraph (3), where a single member is appointed under rule 5(1) to consider the release following recall of a prisoner serving an indeterminate sentence other than an IPP sentence, the single member must direct the case to an oral panel.

(3) If the prisoner has notified the Board and the Secretary of State under rule 19(1)(a) that the prisoner does not want an oral panel to consider the case, the single member may decide on the papers that the prisoner is unsuitable for release, or direct the case to an oral panel.

(4) In any other case, including a case of a prisoner serving an IPP sentence, where the Board is considering the release of a prisoner, within 14 weeks of a case being referred to the Board, the single member appointed under rule 5(1) must decide that—

- (a) the prisoner is suitable for release;
- (b) the prisoner is unsuitable for release, or
- (c) the case should be directed to an oral panel.

(5) When a single member appointed under rule 5(1) makes a decision that the case should be directed to an oral panel under this rule, that member may at the same time make any directions relating to the hearing that is to take place before an oral panel.

(6) Where the Board has a duty to advise the Secretary of State with respect to any matter referred to it by the Secretary of State, the Board may advise the Secretary of State without an oral hearing.

(7) The decision or advice of the single member must be recorded in writing with reasons for that decision, and the written record provided to the parties within a week of the date of the decision.

Provisional decision against release

15.—(1) Where a single member appointed under rule 5(1) has made a decision (referred to in this rule as a “provisional decision”) that a prisoner is unsuitable for release under rule 14(1)(a), 14(3) or 14(4)(b), the prisoner may apply in writing for an oral panel to determine the case.

(2) A prisoner who makes an application under paragraph (1) must serve the application, together with reasons for making the application, on the Board and the Secretary of State, within 28 days of the provision of the written record under rule 14(7).

(3) If no reasons have been served in accordance with paragraph (2) after the expiry of the period specified by that paragraph, a provisional decision made under rule 14(1)(a), 14(3) or 14(4)(b)—

(a) becomes final, and

(b) must be provided to the parties by the Board within 35 days of provision of the written record under rule 14(7).

(4) If reasons are served in accordance with paragraph (2), the decision whether the case should be determined by an oral panel must be taken by a member of the Board who—

(a) is a duty member, and

(b) is not the single member appointed under rule 5(1) who made the provisional decision.

(5) If the decision taken under paragraph (4) is that the case should not be determined by an oral panel, a provisional decision made under rule 14 becomes final.