

## SCHEDULE 1

*(introduced by section 1(5))*

## THE PAROLE BOARD FOR SCOTLAND

*Membership*

- 1 The Parole Board is to consist of no fewer than 5 members (including a convener) appointed by the Scottish Ministers.
- 2 The membership of the Parole Board must include—
- (a) a Lord Commissioner of Justiciary,
  - (b) a registered medical practitioner who is a psychiatrist,
  - (c) a person who the Scottish Ministers consider has knowledge and experience of the supervision or aftercare of released prisoners,
  - (d) a person who the Scottish Ministers consider has knowledge and experience of the assessment of the likelihood of offenders causing serious harm to members of the public,
  - (e) a person who the Scottish Ministers consider has knowledge and experience of—
    - (i) the way in which, and
    - (ii) the degree to which,offences perpetrated against members of the public affect those persons.
- 3 (1) The Scottish Ministers must comply with any provision about the procedure, including requirements as to consultation, to be followed in appointing members of the Parole Board as they may, by regulations, prescribe.
- (2) Without prejudice to the generality of section 65(2), such regulations may make different provision for different kinds of member of the Parole Board, including the kinds of member holding an office or, as the case may be, possessing a qualification mentioned in paragraph 2.

*Tenure of appointments*

- 4 Subject to paragraphs 5 to 9, a person is appointed as a member of the Parole Board for such period (being a period of at least 6 years and no more than 7 years) as is specified in the person's instrument of appointment.
- 5 A person ceases to be a member on the day the person attains the age of 75 years.
- 6 If a member such as is mentioned in paragraph 2(a) ceases to hold the office of Lord Commissioner of Justiciary, that person ceases to be a member of the Parole Board.
- 7 If a member such as is mentioned in paragraph 2(b) ceases to be—
- (a) a registered medical practitioner, or
  - (b) a psychiatrist,
- that person ceases to be a member of the Parole Board.
- 8 A member may at any time resign by giving notice in writing to that effect to the Scottish Ministers.
- 9 A person ceases to be a member on the day an order is made under paragraph 14 removing the member from the Parole Board.
- 10 A person may be reappointed as a member of the Parole Board only if the person—

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*Status: This is the original version (as it was originally enacted).*

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- (a) has ceased to be a member for a period of not less than 3 years, and
- (b) has not previously been reappointed under this paragraph.

- 11 A person who has resigned from the Parole Board may be reappointed under paragraph 10.
- 12 A person who ceases to be a member by virtue of an order under paragraph 14 must not be reappointed under paragraph 10.

### *Carrying out of functions*

- 13 The convener of the Parole Board is to have regard to the desirability of securing that every member is given the opportunity to participate appropriately in the carrying out of the Parole Board's functions on not fewer than 20 days in each successive period of 12 months beginning with the day of the member's appointment.

### *Removal of members*

- 14 A member may be removed from the Parole Board only by order of the tribunal constituted under paragraph 16.
- 15 The tribunal may order the removal of a member only if—
- (a) an investigation is carried out at the request of the Scottish Ministers, and
  - (b) following the investigation, the tribunal finds that the member is unfit to be a member of the Parole Board by reason of inability, neglect of duty or misbehaviour.
- 16 The tribunal is to consist of the following persons appointed by the Lord President of the Court of Session—
- (a) either a Senator of the College of Justice or a sheriff principal (who is to preside),
  - (b) a person who is, and has been for at least 10 years—
    - (i) an advocate, or
    - (ii) a solicitor, and
  - (c) one other person who is not an advocate or a solicitor.
- 17 The Scottish Ministers may, by regulations—
- (a) make provision—
    - (i) enabling the tribunal, at any time during an investigation, to suspend a member from the Parole Board, and
    - (ii) as to the effect and duration of a suspension,
  - (b) make further provision about the tribunal as the Scottish Ministers consider necessary or expedient, including provision about the procedure to be followed by and before it.

### *Remuneration, allowances and other expenses*

- 18 Members of the Parole Board are to be paid such—
- (a) remuneration, and
  - (b) expenses,
- as the Scottish Ministers may determine.

- 19 The expenses of the Parole Board under paragraph 18 and any other expenses incurred by the Parole Board in carrying out its functions are to be defrayed by the Scottish Ministers.

*Reporting and planning*

- 20 The Parole Board must, as soon as practicable after the end of the reporting year, send to the Scottish Ministers a report on the performance of the Parole Board's functions during that year.
- 21 The Parole Board must, as soon as practicable after the beginning of each planning period, send to the Scottish Ministers a plan in relation to that planning period—
- (a) providing details as to how the Parole Board intends to carry out its functions,
  - (b) setting out performance objectives and targets in relation to its functions.
- 22 (1) The reporting year of the Parole Board is—
- (a) the period beginning with the day on which section 1(1) comes into force and ending with 31st March next following that day, and
  - (b) each successive period of 12 months ending with 31st March.
- (2) The planning period of the Parole Board is—
- (a) the period beginning with the day on which section 1(1) comes into force and ending with the third occurrence of 31st March following that day, and
  - (b) each successive period of 3 years ending with 31st March in the third year.
- 23 The Scottish Ministers must lay a copy of—
- (a) a report sent to them under paragraph 20,
  - (b) a plan sent to them under paragraph 21,
- before the Scottish Parliament.