

# Management of Offenders (Scotland) Act 2019

## 2019 asp 14

### PART 3

#### THE PAROLE BOARD

PROSPECTIVE

#### *Independence and governance*

#### **40 Continued independence of action**

- (1) The Parole Board is to continue to act as an independent tribunal when exercising decision-making functions by virtue of Part 1 of the 1993 Act (or decision-making functions by virtue of another enactment relating to the same things).
- (2) In this section, the reference to the Parole Board is to the Parole Board for Scotland.

#### **41 Administrative arrangements**

- (1) The Scottish Ministers may by regulations authorise the chairperson of the Parole Board to make provision about administrative arrangements within the Board.
- (2) Examples of what may be covered in regulations under this section are arrangements as to—
  - (a) the operational structure within the Parole Board, including the use of committees (and sub-committees),
  - (b) the management set-up within the Board, including for—
    - (i) the formation of a management committee,
    - (ii) the leadership and membership of such a committee,
    - (iii) the role of such a committee in budgetary, accounting and business matters.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Management of Offenders (Scotland) Act 2019, PART 3 is up to date with all changes known to be in force on or before 28 October 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Regulations under this section may allow the chairperson to delegate responsibility for arrangements (and allow for sub-delegation afterwards).
- (4) Before making regulations under this section, the Scottish Ministers must consult the Parole Board.
- (5) Regulations under this section are subject to the affirmative procedure.
- (6) In this section, the references to the Parole Board are to the Parole Board for Scotland.

### Membership and appointment

PROSPECTIVE

#### 42 Mandatory categories of member

- (1) The 1993 Act is amended as follows.
- (2) In schedule 2, in paragraph 2—
  - (a) sub-paragraph (a) is repealed,
  - (b) sub-paragraph (b) is repealed.

PROSPECTIVE

#### 43 Appointment to be for fixed period

- (1) The 1993 Act is amended as follows.
- (2) In paragraph 2A of schedule 2, for the words from “such” to “is” there is substituted “the period of 5 years beginning with the date of appointment”.

#### 44 Further appointment to membership

- (1) The 1993 Act is amended as follows.
- (2) After paragraph 2D of schedule 2 there is inserted—
 

“2DA (1) A person who has been a member of the Parole Board is eligible for appointment to the membership on a subsequent occasion.

(2) The exception to this is where the person's membership has previously ceased by virtue of—

  - (a) paragraph 2C, or
  - (b) paragraph 2D.”
- (3) Paragraphs 2E to 2H of schedule 2 are repealed.
- (4) After paragraph 2H of schedule 2 there is inserted—

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- 2HA (1) A member of the Parole Board is to be reappointed to the membership on the expiry of the period of the member's appointment, unless—
- (a) in any case, sub-paragraph (2) applies, or
  - (b) where the member is not the chairperson, sub-paragraph (3) applies.
- (2) This sub-paragraph applies if the member has declined to be reappointed.
- (3) This sub-paragraph applies if the Scottish Ministers have accepted a recommendation made to them by the chairperson that the other member should not be reappointed.
- (4) A recommendation of that kind may be made to the Scottish Ministers only if the chairperson is satisfied that—
- (a) the other member has failed to comply with any of the terms and conditions of membership by which the member is bound, or
  - (b) the number of members required for the Board to carry out its functions is such that the services of the other member are no longer needed.
- (5) The instrument of appointment of the member may be annotated or reissued so as to show that the member is reappointed under sub-paragraph (1).
- 2HB (1) Sub-paragraphs (2) and (3) apply in connection with paragraph 2HA(1).
- (2) The reference in paragraph 2HA(1) to the period of the appointment includes each period of reappointment under that paragraph.
- (3) In addition—
- (a) the provisions of paragraphs 1 to 2D apply in relation to reappointment under paragraph 2HA(1) as well as applying otherwise, and
  - (b) the references in paragraphs 1 to 2D to appointment are so far as necessary for this purpose to be read as including reappointment, which in particular means that reappointment is for 5 years at a time.”.

#### Commencement Information

**II** S. 44 in force at 31.12.2019 by [S.S.I. 2019/417](#), [reg. 2](#) (with [reg. 3](#))

PROSPECTIVE

#### 45 References to the chairperson

- (1) The 1993 Act is amended as follows.
- (2) In schedule 2—
- (a) in paragraph 1, for the word “chairman” there is substituted “ chairperson ”,
  - (b) in paragraph 2J, for the word “Chairman” there is substituted “ chairperson ”.

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- (3) In addition, a reference in an enactment, instrument or document to the chairman of the Parole Board for Scotland is to be read as if the reference were to the chairperson of the Parole Board for Scotland.

PROSPECTIVE

### *Miscellaneous*

#### **46 Amendment of oversight provisions**

- (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is amended as follows.
- (2) In schedule 2, the entry relating to the Parole Board for Scotland is repealed.
- (3) The Judiciary and Courts (Scotland) Act 2008 is amended as follows.
- (4) In section 10, after paragraph (fzb) of subsection (1) there is inserted—  
“(fzc) the office of member of the Parole Board for Scotland (including the chairperson of the Parole Board)”.

#### **47 Repeal of statutory provisions**

- (1) The Custodial Sentences and Weapons (Scotland) Act 2007 is amended as follows.
- (2) Part 1 (including schedule 1) is repealed.
- (3) In section 65, the word “rules,” where occurring in each of subsections (1) and (3) is repealed.

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(2)(g)(h) inserted by [S.S.I. 2020/309 reg. 2](#)