

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 4 – Justice

Part 7 – Parole Board

Modifications of Parole Board Rules

172. Paragraph 18 modifies the Parole Board (Scotland) Rules 2001. Subparagraph (2) modifies Rule 2 (Interpretation), and subparagraph (4) modifies Rule 17, (application of Part IV to particular prisoners) the effect of these modifications being to remove extended sentence prisoners who have been recalled and are serving the extension part of their sentence from Part IV of the Rules, and placing them to be dealt with by Part III.
173. Subparagraph (3)(a) substitutes text in Rule 12A (Use of Live Link) putting beyond doubt that the entirety of the proceedings of the Parole Board or Tribunal can take place via audio-visual or audio technology. Subparagraph (3)(b) inserts a new subparagraph (1A) after paragraph (1) in Rule 12A, making clear that the Board or Tribunal can, when determining whether the interests of justice allow the use of audio or audio-visual technology, weigh the impact on the interests of justice of a hearing not being able to take place at all without such technology. Subparagraph (5) substitutes the wording in Rule 20 (Hearing) – so the tribunal may decide to hold an oral hearing if it is in the interests of justice to do so. This changes the previous Rule which required an oral hearing to be held unless all the parties and the Tribunal agreed not to hold one.