

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### *Schedule 4 – Justice*

#### **Part 7 – Parole Board**

#### **Chairing of the Parole Board**

169. Paragraph 17 of schedule 4 modifies the Prisoners and Criminal Proceedings (Scotland) Act 1993 at schedule 2 to provide for the functions of the Parole Board Chairman under the 1993 Act, or under the Parole Board (Scotland) Rules 2001 ([S.S.I. 2001/315](#)), to be delegated to another member of the Parole Board.
170. Subparagraph (2) inserts new paragraphs 2K and 2L into schedule 2 of the 1993 Act. Paragraph 2K(1) provides that if the chairman is unable to carry out functions for reasons relating to coronavirus then they are to be carried out by the next most senior member of the Parole Board. Paragraph 2K(2) specifies the meaning of ‘the most senior member’ as (a) the member whose initial appointment began first or (b) if members were appointed on the same day, then the oldest of those members. Paragraph 2K(3) provides that in the Rules the definition of “the chairman of the Board appointed under paragraph 1 of schedule 2 of the 1993 Act” will, where the chairman’s functions are being carried out by the next most senior member, mean that member.
171. Paragraph 2L(1) provides for the Chairman to arrange for the delegation of that individual’s functions to another member or members of the Parole Board. Paragraph 2L(2) provides that where the Chairman has made arrangements to delegate that individual’s functions, then a member (or members, if more than one has been delegated the function) may carry out those functions. Paragraph 2L(3) gives effect to these new arrangements, whenever made, from the date of commencement of this Act, with 2L(4) clarifying that references to the Chairman or Chairperson in the Act and Rules will refer to the member or members who has had the function or functions delegated to them.

#### **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

*These notes relate to the Coronavirus (Scotland) Act  
2020 (asp 7) which received Royal Assent on 6 April 2020*

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.