

## SCHEDULE 4 JUSTICE

### PART 7

#### PAROLE BOARD

##### *Modifications of the Parole Board Rules*

- 18 (1) The Parole Board (Scotland) Rules 2001 ([S.S.I. 2001/315](#)) apply in accordance with the modifications in this paragraph.
- (2) Rule 2(1) (interpretation) has effect as if in the definition of “prisoner” paragraph (c) were revoked.
- (3) Rule 12A (use of a live link) has effect as if—
- (a) in paragraph (1) for “evidence of a witness, or of the person concerned, to be given” there were substituted “proceedings to take place”,
  - (b) after paragraph (1) there were inserted—  

“(1A) In considering the interests of justice for the purposes of paragraph (1), the Board or tribunal may take into account the risk of the proceedings not being able to take place other than through a live link (for example, because of a risk to public health for a reason relating to coronavirus if a person were to be required to give evidence in person).”
- (4) Rule 17 (application) has effect as if—
- (a) in paragraph (1)—
    - (i) for “paragraph” there were substituted “paragraphs (1A) and”,
    - (ii) “, 3A(2),” were revoked,
  - (b) after paragraph (1) there were inserted—  

“(1A) In paragraph (1), the reference to the case of a prisoner referred under section 17(3) of the 1993 Act does not include reference to the case of a prisoner referred under that section where—

    - (a) the prisoner is subject to an extended sentence by virtue of section 210A of the Criminal Procedure (Scotland) Act 1995 and has been recalled to custody under section 17(1) of the 1993 Act, and
    - (b) the prisoner is serving the extension period (within the meaning of section 210A(2)(b) of the 1995 Act) of that sentence.”
- (5) Rule 20 (hearing) has effect as if for it there were substituted—
- “If it considers that it is in the interests of justice to do so, the tribunal may—
- (a) on the application of any party; or
  - (b) of its own motion,
- hold an oral hearing of the prisoner’s case.”