

SCHEDULE 4 JUSTICE

PART 7

PAROLE BOARD

Chairing of the Parole Board

- 17 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 applies in accordance with the modification in this paragraph.
- (2) Schedule 2 has effect as if after paragraph 2J there were inserted—
- “2K (1) If the Chairman of the Parole Board is unable to perform the functions of the Chairman under this Act or the Parole Board (Scotland) Rules 2001 (S.S.I. 2001/315) (the “Rules”) for reasons related to coronavirus, the most senior member of the Parole Board is to perform those functions instead.
- (2) In sub-paragraph (1)—
- (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020, and
- (b) “the most senior member of the Parole Board” means—
- (i) the member whose initial appointment to the Parole Board began first, or
- (ii) if more than one member falls within sub-paragraph (i), whichever of those members is most senior in age.
- (3) For so long as sub-paragraph (1) has effect, in Rule 2(1) of the Rules, in the definition of “the chairman of the Board”, the reference to “the chairman of the Board appointed under paragraph 1 of Schedule 2 to the 1993 Act” is to be read instead as a reference to “the person performing the functions of the Chairman by virtue of paragraph 2K(1) of Schedule 2 to the 1993 Act”.
- 2L (1) The Chairman of the Parole Board may make arrangements to delegate the functions of the Chairman to another member or members of the Parole Board.
- (2) Where arrangements under sub-paragraph (1) have effect, the functions of the Chairman may be performed by the member to whom the functions are delegated or, where the functions are delegated to more than one member, by any one of those members.
- (3) Arrangements under sub-paragraph (1) are to be treated as having effect since the date on which paragraph 17 of schedule 4 of the Coronavirus (Scotland) Act 2020 came into force (regardless of when the arrangements were made).
- (4) Where arrangements under sub-paragraph (1) have effect, the following references are to be read instead as references to the member or members (as the case may be) to whom the Chairman’s functions have been delegated—

Status: This is the original version (as it was originally enacted).

- (a) the references to the chairperson in paragraph 2HA(3) and (4),
- (b) the reference to the Chairman in paragraph 2J,
- (c) any reference to the Chairman of the Parole Board (however expressed) in the Rules.”.

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.”.