

2022 No. 65

PRISONS

The Parole Commissioners' (Amendment) Rules (Northern Ireland) 2022

Made - - - - *8th February 2022*

Coming into operation - *21st March 2022*

The Department of Justice makes the following rules in exercise of the powers conferred by Article 100(5) of, and paragraph 4 of Schedule 4 to, the Criminal Justice (Northern Ireland) Order 2008(a).

Citation and commencement

1. These Rules may be cited as the Parole Commissioners' (Amendment) Rules (Northern Ireland) 2022 and shall come into operation on 21st March 2022.

Amendment of the Parole Commissioners' Rules (Northern Ireland) 2009

2. The Parole Commissioners' Rules (Northern Ireland) 2009(b) ("the 2009 Rules") are amended as provided in rules 3 and 4.

Replacement of Rule 22A

3. Delete rule 22A and substitute the following rule—

"Information about proceedings

22A.—(1) Where a registered victim or other person makes a request for a summary of the reasons for a provisional direction of a single Commissioner recorded under rule 13(2)(b) that has become final by virtue of rule 13(6), the Chief Commissioner must appoint a Commissioner to consider the request. The appointed Commissioner must then produce a summary of the reasons for that direction, unless the appointed Commissioner decides that there are exceptional circumstances why a summary should not be produced for disclosure.

(2) The Chief Commissioner is not required to appoint a Commissioner to produce a summary under paragraph (1) where the request is made more than 6 months after the date when the direction under rule 13(2)(b) became final, unless the Chief Commissioner decides that there are exceptional reasons to do so.

(3) In a summary produced under paragraph (1)—

(a) S.I.2008/1216 (N.I. 1) as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), Art. 6(2) and Sch. 5 paras. 30 and 31(2)

(b) S.R. 2009 No. 82 as amended by the Parole Commissioners' (Amendment) Rules (Northern Ireland) 2021 (S.R. 2021 No. 138)

- (a) the names of the parties to proceedings under Rule 13(2) may be disclosed;
- (b) the names of other persons concerned in the proceedings must not be disclosed;
- (c) other information about proceedings under these Rules must not be disclosed except insofar as the Commissioner appointed under paragraph (1) directs.

(4) Where a registered victim or other person makes a request for a summary of the reasons for a decision recorded after oral proceedings under rule 24(2), the Chief Commissioner must appoint a Commissioner to consider the request. The appointed Commissioner must then produce a summary of the reasons for that decision, unless the appointed Commissioner decides that there are exceptional circumstances why a summary should not be produced for disclosure.

(5) The Chief Commissioner is not required to appoint a Commissioner to produce a summary under paragraph (4) where the request is made more than 6 months after the date of the decision, unless the Chief Commissioner decides that there are exceptional reasons to do so.

(6) In a summary produced under paragraph (4)—

- (a) the names of the parties to the oral proceedings under rule 24(2) may be disclosed;
- (b) the names of other persons concerned in the proceedings must not be disclosed;
- (c) other information about proceedings under these Rules must not be disclosed except insofar as the Commissioner appointed under paragraph (4) directs.

(7) This Rule does not affect the operation of Rule 9 (Non-disclosure of confidential information).

(8) For the purposes of this rule, “registered victim” means a person who is registered or entitled to receive information under any of —

- (a) the Prisoner Release Victims Information Scheme, 2003(a);
- (b) the Probation Board for Northern Ireland Victim Information Scheme, 2005(b);
- (c) the Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme, 2008(c).”.

Insertion of new Rule 22B

4. After Rule 22A, insert the following new Rule—

“Appeals about summaries

22B.—(1) here a Commissioner appointed under paragraph (1) or (4) of Rule 22A decides that there are exceptional circumstances why a summary should not be produced for disclosure pursuant to the respective paragraph, the registered victim or other person who has made the request for the summary, may, within 14 days of being served with notice of that decision, appeal to the Chief Commissioner by serving a written notice of appeal on the Chief Commissioner stating the grounds of the appeal.

(2) After considering the notice of appeal the Chief Commissioner must make a determination on the appeal and must direct either that a summary is to be produced for disclosure, or that a summary is not to be produced for disclosure.

(3) A direction by the Chief Commissioner under paragraph (2)—

- (a) shall be final; and

(a) S.R. 2003 No. 293
 (b) S.R. 2005 No. 432
 (c) S.R. 2008 No. 457

(b) must be recorded in writing with reasons, dated and signed by the Chief Commissioner, and served on the registered victim or other person not more than 14 days after the date of the making of the direction.

(4) Rule 22A applies to the production of a summary following a direction on appeal under this Rule for the production of a summary.”.

Transitional provision

5.—(1) Where a case is listed under Rule 6 of the 2009 Rules before these Rules come into operation, the 2009 Rules as amended by the Parole Commissioners’ (Amendment) Rules (Northern Ireland) 2021^a (“the 2021 Rules”) shall apply.

(2) Where a case is listed after these Rules come into operation, the 2009 Rules shall apply as amended by these Rules.

(3) These Rules do not affect the amendment to Rule 22 of the 2009 Rules made by Rule 2(1) of the 2021 Rules.

Sealed with the Official Seal of the Department of Justice on 8th February 2022.



Naomi Long
Minister of Justice

(a) S.R. 2021 No. 138

EXPLANATORY NOTE

(This note is not part of the Rules)

Rule 22A was added to the Parole Commissioners' Rules (Northern Ireland) 2009 by the Parole Commissioners' (Amendment) Rules (Northern Ireland) 2021. It enabled registered victims or other persons to make a request for a summary of the reasons for a final direction of a single Commissioner under Rule 13(2)(b) or of a decision of a panel made in oral proceedings under Rule 24(2) to be produced and disclosed by the single Commissioner or the chairman of the panel, respectively.

The Parole Commissioners' (Amendment) Rules (Northern Ireland) 2022 replace Rule 22A to provide that a summary is to be produced by a Commissioner appointed by the Chief Commissioner, unless the appointed Commissioner decides there are exceptional circumstances why a summary should not be produced. Replacement Rule 22A also prohibits the disclosure in a summary of the names of any persons concerned in the proceedings, except the parties, or the disclosure of other information about the proceedings except insofar as the appointed Commissioner directs.

These amendment Rules also provide in new Rule 22B for an appeal against a decision not to produce a summary. The appeal is to the Chief Commissioner, who must direct that a summary is to be produced for disclosure or not to be so produced, and whose direction is final.

There is also a transitional provision.

No impact assessment has been prepared for these Rules.

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