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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 315**

**The Parole Board (Scotland) Rules 2001**

**PART IV**

**PROVISIONS APPLYING TO TRIBUNAL CASES**

**Composition of tribunal**

**18.**—(1) Subject to paragraphs (2), (3) and (4) below, any case may be dealt with, in whole, by 3 members of the Board who are appointed by the chairman of the Board to form a tribunal for the purpose of dealing with that case.

(2) No member of the Board who took part in making a recommendation under section 28(1) of the 1989 Act in relation to a person shall be appointed by the chairman to deal with that person's case under section 28(4) of that Act.

(3) No member of the Board who took part in making a recommendation under section 17(1) of the 1993 Act in relation to a person shall be appointed by the chairman to deal with that person's case under section 17(3) of that Act.

(4) The members of a tribunal appointed under paragraph (1) shall include either—

- (a) a person who holds or who has held judicial office; or
- (b) a solicitor or advocate of not less than 10 years standing;

and the chairman of the Board shall appoint that person to be chairman of the tribunal.

(5) In the event of the death or incapacity or unavailability (for whatever reason) of any member of a tribunal (“the absent member”)—

- (a) before the hearing has commenced, the chairman of the Board shall, subject to paragraphs (2), (3) and (4), appoint another member of the Board in the place of the absent member; or
- (b) after the hearing has commenced, the case may continue to be dealt with by the 2 remaining members of the tribunal, if the absent member is a member other than the chairman of the tribunal and with the consent of the parties, but if this does not occur, the chairman of the Board shall, subject to paragraphs (2), (3) and (4) appoint another member of the Board in place of the absent member and the hearing shall be recommenced.