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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 315**

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

**PART III**

**PROVISIONS APPLYING TO NON TRIBUNAL CASES**

**Application**

**13.** This Part of these Rules applies to any case referred to the Parole Board, other than a Part IV case.

**Composition of Board**

**14.—(1)** Subject to the following paragraphs and rule 15(3), the powers of the Board may be exercised by any 3 members of the Board.

(2) Without prejudice to rule 15(3), any case may be dealt with, in whole or in part, by any 3 members of the Board who are appointed by the chairman of the Board for the purposes of dealing with that case, in whole or in part.

(3) The powers of the Board under rule 6(1) to decide that any written information or document should not be sent or disclosed to a person shall be exercised by the chairman of the Board or such member as may be appointed by him for that purpose.

(4) 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 deal with that person's case under section 28(4) of that Act.

(5) 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 deal with that person's case under section 17(3) of that Act.

**Procedure**

**15.—(1)** Subject to the provisions of these Rules, the Board may regulate its own procedure in dealing with any case.

(2) The Board shall deal with any case on consideration of—

- (a) any written information, documents or written representations which the Scottish Ministers or the person concerned have sent to it under rule 5 or 7;
- (b) any report of an interview conducted under paragraph (3); and
- (c) any other information obtained by it under paragraph (4) or otherwise.

(3) The person concerned shall be entitled to request an interview with the Board before it reaches a decision, and—

- (a) where he or she does so; or
- (b) where the Board considers it desirable to interview that person or any other person, the chairman of the Board may authorise one or two members of the Board to conduct such an interview and to make a report thereon to the Board.

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Parole Board (Scotland) Rules 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(4) In dealing with any case, the Board may request and consider information from any person and in any form.

(5) Subject to rule 6, the Board shall send to the person concerned a copy of any information obtained by it under paragraph (4) or otherwise which it considers to be relevant to the case.

### **Decision**

**16.** The decision of the Board may be taken by a majority and the decision shall record whether it was unanimous or taken by a majority;

Provided that, where the Board is constituted by an even number of members, the chairman of the Board or other presiding member shall have a second or casting vote.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Rules expiry of earlier affecting provision 2020 asp 7, sch. 4 para. 17(2) by [2020 asp 7 s. 12\(1\)](#)
- Rules modified (temp.) by 1993 c. 9, Sch. 2 para. 2L(4)(c) (as modified) by [2020 asp 7 sch. 4 para. 17\(2\)](#)
- Rules revoked by [S.S.I. 2022/385 sch. 2](#)
- rule 8(e) and word inserted by [S.S.I. 2021/4 rule 2\(3\)\(b\)](#)
- rule 9(iii) and word inserted by [S.S.I. 2021/4 rule 2\(4\)\(b\)](#)
- rule 12A expiry of earlier affecting provision 2020 asp 7, sch. 4 para. 18(3) by [S.S.I. 2022/11 reg. 2](#)
- rule 12A inserted by [S.S.I. 2010/164 rule 2\(3\)](#)
- rule 12A(1) words substituted by [S.S.I. 2022/10 rule 2\(2\)\(a\)](#)
- rule 12A(1) words substituted (temp.) by [2020 asp 7 sch. 4 para. 18\(3\)\(a\)](#)
- rule 12A(1A) inserted by [S.S.I. 2022/10 rule 2\(2\)\(b\)](#)
- rule 12A(1A) inserted (temp.) by [2020 asp 7 sch. 4 para. 18\(3\)\(b\)](#)
- rule 12A(2) words substituted by [S.S.I. 2012/167 rule 6\(a\)](#)
- rule 12A(4) words substituted by [S.S.I. 2012/167 rule 6\(b\)](#)
- rule 12A(6) substituted by [S.S.I. 2022/10 rule 2\(2\)\(c\)](#)
- rule 14(6)(7) inserted by [S.S.I. 2011/133 rule 4](#)
- rule 14(7)(a) substituted by [S.S.I. 2012/167 rule 7\(c\)\(i\)](#)
- rule 14(7)(b) words omitted by [S.S.I. 2012/167 rule 7\(c\)\(ii\)](#)
- rule 14(8) inserted by [S.S.I. 2012/167 rule 7\(d\)](#)
- rule 15A-15H inserted by [S.S.I. 2011/133 rule 5](#)
- rule 15A(2)(b) words substituted by [S.S.I. 2012/167 rule 9\(a\)](#)
- rule 15A(2)(c) word substituted by [S.S.I. 2012/167 rule 9\(b\)](#)
- rule 15B(1) words substituted by [S.S.I. 2012/167 rule 10\(a\)](#)
- rule 15B(2) words substituted by [S.S.I. 2012/167 rule 10\(b\)](#)
- rule 15B(3) words substituted by [S.S.I. 2012/167 rule 10\(c\)](#)
- rule 15B(4)(b) words substituted by [S.S.I. 2012/167 rule 10\(d\)](#)
- rule 15E(7) words substituted by [S.S.I. 2012/167 rule 11](#)
- rule 15H(1) words omitted by [S.S.I. 2012/167 rule 12\(a\)](#)
- rule 15H(2)(b) words inserted by [S.S.I. 2012/167 rule 12\(b\)](#)
- rule 15H(2)(c) words substituted by [S.S.I. 2012/167 rule 12\(c\)](#)
- rule 15H(3) inserted by [S.S.I. 2012/167 rule 12\(d\)](#)
- rule 15H(3) inserted by [S.S.I. 2012/197 rule 2\(4\)](#)
- rule 17(1A) expiry of earlier affecting provision 2020 asp 7, sch. 4 para. 18(4)(b) by [S.S.I. 2021/236 reg. 2\(b\)](#)
- rule 17(1A) inserted (temp.) by [2020 asp 7 sch. 4 para. 18\(4\)\(b\)](#)
- rule 26(2)(i) and word inserted by [S.S.I. 2021/4 rule 2\(5\)\(a\)\(ii\)](#)
- rule 26A inserted by [S.S.I. 2021/4 rule 2\(6\)](#)
- rule 28(3) inserted by [S.S.I. 2012/167 rule 17\(d\)](#)
- rule 28A inserted by [S.S.I. 2021/4 rule 2\(7\)](#)