
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Parole Board (Scotland) Rules 2001 (“the principal rules”).

Rule 3 inserts definitions of “electronic communication” and “working day” into rule 2(1) of the principal rules.

Rule 5 amends rule 11 of the principal rules to allow the sending of documents to the Board to be done by electronic communication.

Rule 7 amends rule 14 of the principal rules to provide that the quorum of the Board in a case dealt with under Part III of the principal rules (other than a case dealt with by an oral hearing under rule 15A) is 2. It remains open to the Board to sit with more members. In the event of the death, incapacity or unavailability of a member in a case being dealt with by 2 members, the chairman of the Board must appoint another member in place of the absent member. Paragraph (c)(ii) removes the requirement for the person concerned’s consent to proceed where there is an absent member of the Board.

Rule 8 amends rule 15 of the principal rules to remove the right of the person concerned to request an interview with a member of the Board before it reaches a decision.

Rule 9 removes references to “prisoner” from Rule 15A.

Rule 12 amends rule 15H of the principal rules to remove the chairman of the hearing’s casting vote in a case where the Board is constituted by an even number of members. Where the Board is constituted by 2 members and those 2 members cannot reach a unanimous decision, the chairman of the Board must appoint 3 other members for the purpose of hearing that case. Rule 12 also amends rule 15A of the principal rules to allow the chairman of the Board to sign decision letters where the chairman of the hearing is the absent member (within the meaning of rule 14(7) of the principal rules).

Rule 13 substitutes a new rule 16 of the principal rules which sets out the ways in which decisions can be reached in Part III cases.

Rule 14 amends rule 18 of the principal rules to remove the requirement for the parties’ consent to proceed in a case where there is an absent member.

Rule 17 amends rule 28 of the principal rules to remove the chairman of the tribunal’s casting vote in a case where the tribunal is constituted by an even number of members. Where the tribunal is constituted by 2 members and those 2 members cannot reach a unanimous decision, the chairman of the Board must appoint 3 other members to form a new tribunal for the purpose of hearing that case. Rule 16 also amends rule 28(2)(b) of the principal rules to allow the chairman of the Board to sign decision letters where the chairman of the hearing is the absent member (within the meaning of rule 18(5) of the principal rules).

Rule 18 substitutes a new paragraph 5(b) in the schedule to the principal rules which deals with the information that is to be included in the dossier sent to the Board under rule 5 of the principal rules.

Rules 4, 6, 10, 11, 12(c), 15, 16 and 17(c) amend references in the principal rules from “days” to “working days”.