



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Discharge of prisoners

18 Constitution and functions of Parole Board and local review committees

- (1) For the purpose of exercising the functions conferred on it by this Act as respects Scotland there shall be a body to be known as the Parole Board for Scotland, consisting of a chairman and not less than four other members appointed by the Secretary of State.
- (2) It shall be the duty of the Board to advise the Secretary of State with respect to—
 - (a) the release on licence under section 22, 25 or 26 of this Act and the recall under section 25, 28, 31 or 32 of this Act of persons whose cases have been referred to the Board by the Secretary of State;
 - (b) the conditions of such licences and the variation or cancellation of such conditions; and
 - (c) any other matter so referred which is connected with the recall of persons to whom the said section 31 or 32 applies or the release on licence or recall of persons to whom the said section 22, 25 or 26 applies.
- (3) The following provisions shall have effect with respect to the proceedings of the Board on any case referred to it, that is to say—
 - (a) the Board shall deal with the case on consideration of any documents given to it by the Secretary of State and of any reports it has called for and any information whether oral or in writing that it has obtained; and
 - (b) if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may request one of its members to interview him and shall take into account the report of that interview by that member;

and, without prejudice to the foregoing, the Secretary of State may by rules make provision with respect to the proceedings of the Board on cases referred to it, including provision authorising such cases to be dealt with by a prescribed number of members of the Board.

Status: This is the original version (as it was originally enacted).

- (4) The documents to be given by the Secretary of State to the Board under the last foregoing subsection shall include—
- (a) where the case referred to the Board is one of release under section 22, 25 or 26 of this Act, any written representations made by the person to whom the case relates in connection with or since his last interview in accordance with rules under the next following subsection;
 - (b) where the case so referred relates to a person recalled under section 25, 28, 31 or 32 of this Act, any written representations made under that section.
- (5) The Secretary of State may by rules make provision—
- (a) for the establishment and constitution of local review committees having the duty of reviewing at such times or in such circumstances as may be prescribed by or determined under the rules the cases of persons who are or will become eligible for release under section 22, 25 or 26 of this Act, and reporting to the Secretary of State on their suitability for release on licence; and
 - (b) for the interview of such persons by a member of any such committee (not being a prison officer);
- and rules under this subsection may make different provision for different cases.
- (6) The supplementary provisions contained in Schedule 1 to this Act shall have effect with respect to the Parole Board and local review committees.