
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 82

The Parole Commissioners' Rules (Northern Ireland) 2009

PART 3

PRISONERS' CASES

Directions of chairman of the panel

18.—(1) Subject to paragraph (2), the chairman of the panel may give, vary or revoke directions for the conduct of the case allocated to the panel, including directions in respect of matters such as:

- (a) the timetable for the case;
- (b) an act, required or authorised by these rules, is to be done;
- (c) the service of documents;
- (d) the submission and production of evidence;
- (e) the curing or waiving of irregularities;
- (f) the listing, location and adjournment of hearings, including hearings under paragraph 7(b);
- (g) the calling of witnesses;
- (h) advocate under rule 19;
- (i) the representation of the prisoner;

and following appointment under rule 12(2), the chairman of the panel shall consider whether such directions need to be given at any time.

(2) Directions under paragraph (1) may be given, varied or revoked either:

- (a) of the chairman of the panel's own motion; or
- (b) on the written application of a party to the Commissioners which has been served on the other party and which specifies the direction which is sought.

(3) Within 7 days of making a direction under paragraph (1) the chairman of the panel shall serve on the parties such direction which shall be recorded in writing with reasons and dated and signed by the chairman of the panel.

(4) Within 7 days of being served with a direction given under paragraph (3) either party may appeal to the Chief Commissioner by serving a written notice of appeal on both the Chief Commissioner and the other party stating the grounds of the appeal.

(5) Within 7 days of being served with a notice of appeal under paragraph (4) the other party may in reply make written representations on the appeal which shall be served on the Chief Commissioner and the party moving the appeal.

(6) The Chief Commissioner shall consider the written representations of the parties.

(7) After considering the written representations made under paragraph (6) the Chief Commissioner may make a direction:

- (a) upon the basis of the written representations; or

(b) where the Chief Commissioner thinks it necessary, after hearing oral submissions from the parties, and in such circumstances, the Chief Commissioner shall give the parties at least 7 days' notice of such a hearing.

(8) Subject to paragraph (9), a hearing under paragraph 7(b) shall be conducted in accordance with rule 22.

(9) The Chief Commissioner may hold a hearing described under paragraph 7(b) in the absence of the prisoner at a location other than the prison or other place where the prisoner is detained.

(10) The direction of the Chief Commissioner made under paragraph (7) shall be final and shall be recorded in writing with reasons, dated and signed by the Chief Commissioner, and served on the parties not more than 7 days after the date of the making of the direction.