
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 82

The Parole Commissioners' Rules (Northern Ireland) 2009

PART 3

PRISONERS' CASES

Representation

7.—(1) Subject to paragraphs (2) and (3) the prisoner may appoint a person to act as the prisoner's representative.

(2)) The following persons may act as a representative of the prisoner only with the consent of the Chief Commissioner:

- (a) any person serving a sentence of imprisonment;
- (b) any person who has been released from prison on licence for life, or any person sentenced to an indeterminate or extended custodial sentence who is on licence having been released from prison under Articles 18 or 20 of the 2008 Order;
- (c) any person who is on licence having been released from prison under Article 26 of the Criminal Justice (Northern Ireland) Order 1996(1);
- (d) any person who is on licence having been released from prison under Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998(2).

(3) Subject to rules 14 and 18, the Chief Commissioner, in deciding whether to grant consent in accordance with paragraph (2), may require the prisoner and the prisoner's proposed representative to provide such evidence, whether oral or written, including prison licence documentation and criminal records, as the Chief Commissioner considers necessary to enable the Chief Commissioner to make a decision.

(4) Within 3 weeks of the case being listed, the prisoner shall notify the Commissioners and the Secretary of State of the name, address and occupation of any person appointed in accordance with paragraph (1).

(5) Where the prisoner has not appointed a representative, the single Commissioner appointed under rule 12(1) or the chairman of the panel appointed under rule 12(2) may, with the prisoner's consent, appoint an eligible person to act on the prisoner's behalf and shall notify the Secretary of State accordingly.

(6) In paragraph (5) "eligible person" means someone not falling within the category of person at paragraph (2).

(7) Where the prisoner appoints a new representative or the name, address or occupation of the prisoner's representative changes, the prisoner shall serve written notice giving details of the changes on the Commissioners and on the Secretary of State within 7 days of the appointment of the new representative or becoming aware of the changes.

(1) [SI 1996/3160 \(N.I. 24\)](#) as modified by [S.R. 2008 No. 217](#)

(2) [SI 1998/1504 \(N.I. 9\)](#) as amended by [S.I. 2001/2564 \(N.I. 2\)](#)

(8) Where a party wishes another person other than a representative or a witness to be admitted to an oral hearing, the party shall make a written application to the Commissioners for the admission of such person.

(9) An application under paragraph (8) shall state the reason for the application, include the name, address and occupation of the person to whom it relates and be made no later than 3 weeks prior to the date of such hearing.

(10) The chairman of the panel may grant or refuse an application under paragraph (8) and shall communicate within 7 days the decision to both parties giving reasons in writing, in the case of a refusal, for the decision.

(11) Before granting any application under paragraph (8) the chairman of the panel shall obtain the agreement of:

- (a) in the case where such hearing is to be held at a prison or other place of detention, a governor; and
- (b) in any other case, the person in whom is vested the authority to agree.

(12) In paragraph (11)(a) “governor” means any governor and includes a prison officer to whom a governor’s functions has been delegated.