
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 315

The Parole Board (Scotland) Rules 2001

PART II
GENERAL

Non disclosure of information

6.—(1) This rule applies where—

- (a) the Scottish Ministers consider that any written information or document contained in a dossier sent to the Board under rule 5 or otherwise given to the Board by them; or
- (b) the Board considers that any other written information or document obtained by it,

should not be sent or disclosed to the person concerned because its disclosure would be likely to be damaging on one or more of the following grounds, namely:—

- (i) that it would be likely adversely to affect the health, welfare or safety of that person or any other person;
- (ii) that it would be likely to result in the commission of an offence;
- (iii) that it would be likely to facilitate an escape from legal custody or the doing of any act prejudicial to the safe keeping of persons in legal custody;
- (iv) that it would be likely to impede the prevention or detection of offences or the apprehension or prosecution of suspected offenders;
- (v) that it would be likely otherwise to damage the public interest;

and any such information or document is referred to in these Rules as “damaging information”.

(2) Where this rule applies—

- (a) the Scottish Ministers or, as the case may be, the Board shall not be required to send a copy of the damaging information to the person concerned whether under rule 5 or otherwise;
- (b) the Board may take such damaging information into account even although it has not been disclosed to the person concerned; and
- (c) the Scottish Ministers or, as the case may be, the Board shall send to the person concerned a written notice—
 - (i) informing him or her that certain information which has been sent to or obtained by the Board has not been sent to him or her because the Scottish Ministers or, as the case may be, the Board considers that the disclosure of that information would be likely to be damaging on one or more of the grounds mentioned in paragraph (1) which is or are specified in the notice;
 - (ii) giving that person, but only so far as is practicable without prejudicing the purposes for which the information is not disclosed, the substance or gist of the damaging information,

and, where this rule applies by virtue of paragraph (1)(a) above, the Scottish Ministers shall send a copy of that written notice to the chairman of the Board.

(3) This rule does not apply in a Part IV case.