
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 164

The Parole Board (Scotland) Amendment Rules 2010

Amendment of the Parole Board (Scotland) Rules 2001

2.—(1) The Parole Board (Scotland) Rules 2001 are amended as follows.

(2) In rule 6 (non disclosure of information)—

- (a) in paragraph (2)(c)(ii), omit “or gist”; and
- (b) omit paragraph (3).

(3) After rule 12 (irregularities), insert—

“12A – Use of a live link

(1) The Board or tribunal may, where it considers that it is in the interests of justice to do so—

- (a) on the application of—
 - (i) the person concerned; or
 - (ii) the Scottish Ministers; or
- (b) on its own motion,

make arrangements for the whole or part of the evidence of a witness, or of the person concerned, to be given through a live link.

(2) Applications under paragraph (1)(a) must be made no later than 7 days after the notification by the Board to the parties of the hearing to which the application relates.

(3) Before deciding to make arrangements for the use of a live link, the Board must give the parties the opportunity to make representations and must consider those representations.

(4) The Board shall give the parties written notice of its decision no later than 7 days (or such shorter time as the parties may agree) before the hearing to which the application relates.

(5) Where the person concerned has requested an interview with the Board in terms of rule 15(3), the Board may, where it considers that it is in the interests of justice to do so, make arrangements for the interview to be conducted through a live link.

(6) In this rule “live link” means any arrangement as the Board may direct by which the person concerned, or a witness is able to—

- (a) be seen and be heard, or be heard, in the proceedings;
- (b) see and hear, or hear, the proceedings,

while not present at the place where the case is being heard.”.

(4) For rule 18(5) (composition of tribunal), substitute—

“(5) In the event of the death or incapacity or unavailability (for whatever reason) of any member of a tribunal (“the absent member”)—

- (a) the chairman of the Board shall, subject to paragraphs (2), (3) and (4), appoint another member of the Board in place of the absent member; or

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- (b) if the absent member is a member other than the chairman of the tribunal and the parties consent, the case will be dealt with or, if a hearing has already commenced, will continue to be dealt with, by the two remaining members of the tribunal.”.
- (5) In rule 19(2) (general procedure), for “rule 18(2)” substitute “rule 18(4)”.
- (6) In rule 26(2)(h) (attendance at hearing), for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.