
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 385

The Parole Board (Scotland) Rules 2022

PART 1

Introduction

Citation, commencement and application

1.—(1) These Rules may be cited as the Parole Board (Scotland) Rules 2022 and come into force on 1 April 2023.

(2) These Rules apply to every case referred by the Scottish Ministers to the Board on or after 1 April 2023.

Interpretation

2. In these Rules, except where the context otherwise requires—

“the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993,

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995⁽¹⁾,

“the Board” means the Parole Board for Scotland,

“casework panel” means the members appointed under rule 7(1) or, as the case may be, a single member appointed under rule 7(3), and references in Part 3 to a “panel” are to be construed accordingly,

“chairperson of the Board” means the chairperson appointed under paragraph 1 of schedule 2 of the 1993 Act⁽²⁾,

“damaging information” means information to which rule 9(1) applies,

“dossier information” means the information sent to the Board under rule 5,

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000⁽³⁾,

“indeterminate case” means—

- (a) the case of a person sentenced by a court in Scotland to life imprisonment, detention without limit of time, or detention for life,
- (b) the case of a person in respect of whom an order for lifelong restriction has been made under section 210F of the 1995 Act⁽⁴⁾,

(1) 1995 c. 46.

(2) Paragraph 1 of schedule 2 was amended by the 2019 Act (asp 14), section 45(2)(a).

(3) 2000 c. 7. Section 15(1) was amended by the Communications Act 2003 (c. 22), schedule 17 paragraph 158.

(4) Section 210F was inserted by the Criminal Justice (Scotland) Act 2003 (asp 7) (“the 2003 Act”, section 1, and relevantly amended by the Management of Offenders (Scotland) Act 2005 (asp 14), section 14(2) and (3).

- (c) the case of a person to whom section 10 or 10A of the 1993 Act(5) applies,
- (d) the case of a person subject to an extended sentence by virtue of section 210A of the 1995 Act(6), who—
 - (i) has been recalled to custody under section 17(1) of the 1993 Act, and
 - (ii) is serving the extension period (within the meaning of section 210A(2)(b) of the 1995 Act) of that sentence.

but only where that case is referred under section 2(5)(a), 2(5B), 2(5C), 2(6), 3A(2) or 17(3) of the 1993 Act(7),

“oral hearing panel” means the members appointed under rule 7(4), and references in Part 4 to a “panel” are to be construed accordingly,

“party” in relation to a case referred to the Board means the Scottish Ministers and the person concerned,

“person concerned” means the person to whom a case referred to the Board relates,

“panel chairperson” means the chairperson of a casework panel or, as the case may be, the chairperson of an oral hearing panel,

“risk management plan” means a risk management plan which is required to be prepared by virtue of section 6 of the Criminal Justice (Scotland) Act 2003(8),

“risk assessment report” means a risk assessment report prepared in respect of a person subject to a risk assessment order under section 210B of the 1995 Act, or, as the case may be, a report prepared under section 210D of the 1995 Act(9), and

“working day” means any day other than a Saturday, Sunday, or a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(10).

(5) Section 10 was relevantly amended by the 2001 Act, section 3; the 2003 Act, schedule 4, paragraph 2; the Criminal Justice Act 2003 (c. 44), schedule 32, paragraph 66 and the Sentencing Act 2020 (c. 17), schedule 24, paragraph 125. Section 10A was added by the 2001 Act, section 3(2).

(6) Section 210A was inserted by the Crime and Disorder Act 1998 (c. 37) and has been relevantly amended by the Counter-Terrorism and Border Security Act 2019 (c. 3), section 10 and by the Counter-Terrorism and Sentencing Act 2021 (c. 11) (“the 2021 Act”), schedule 13, paragraph 53.

(7) Section 2(5B) and (5C) were inserted by the 2001 Act, section 1(3) and amended by the 2003 Act, section 29(2). Section 2(6) was amended by the 2001 Act, section 29(2) and the 2021 Act, schedule 13, paragraph 52. Section 3A was inserted by the Crime and Disorder Act 1998 (c. 37), section 88, and subsection (2) amended by the 2003 Act, section 31. Section 17(3) was substituted by the 2003 Act, section 36.

(8) 2003 asp 7.

(9) Sections 210B and 210D were inserted by section 1 of the 2003 Act.

(10) 1971 c. 80.