
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 385

The Parole Board (Scotland) Rules 2022

PART 4

Procedure for cases to be determined by an oral hearing panel

Citation of persons to attend oral hearing

28.—(1) For the purposes of requiring any person to attend an oral hearing under this Part to give evidence, or to produce information or documents, the provisions of subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973(1) apply as if—

- (a) references to a local inquiry were references to such a hearing,
- (b) references to the person appointed to hold the inquiry, or the person holding the inquiry, were references to the panel chairperson,
- (c) the reference to “this section” in subsection (5) of section 210 were a reference to this rule, and
- (d) in subsection (5) for “not exceeding level 1” to the end, there were substituted “not exceeding level 2”.

(2) The panel chairperson may, subject to this Rule, exercise the powers conferred by paragraph (1) to require any person to attend to give evidence or to produce any information or other documents—

- (a) on the application of a party, or
- (b) as otherwise agreed by the panel.

(3) A party making an application under paragraph (2)(a) —

- (a) must send that application to the panel not later than the expiry of the period within which the person concerned may submit written representations under rule 10,
- (b) must include in the application the name and address of each person in respect of whom the application is made,
- (c) must send a copy of that application to the other party at the same time as sending it to the panel.

(4) The panel chairperson may grant or refuse an application made under paragraph (2) and must give each party notice in writing of that decision and, where the application is refused, of the reasons for that decision.

(5) Where a written notice requiring a person to attend an oral hearing is made by virtue of this rule, that notice must—

- (a) be signed by the panel chairperson,

(1) 1973 c. 65. Subsection 210(5) was amended by virtue of sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), as inserted by the Criminal Justice Act 1983 (c. 48), section 54. The standard scale is as provided for in section 225(2) of the Criminal Procedure (Scotland) Act 1995 (c. 46).

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- (b) include an explanation of the reason why the person is required to attend the oral hearing,
- (c) be sent by the Board to that person (and a copy sent to each party) as soon as practicable.