

*Status: Point in time view as at 02/04/2001.*

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 5

#### THE PAROLE BOARD: SUPPLEMENTARY PROVISIONS]

##### Textual Amendments

- F1** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

##### <sup>F2</sup>*Status and capacity*

##### Textual Amendments

- F2** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- <sup>F3</sup>1 (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental to or conducive to the discharge of
- [<sup>F4</sup>(a) its functions under this Part in respect of long-term and short-term prisoners; and
- (b) its functions under Chapter II of Part II of the <sup>M1</sup>Crime (Sentences) Act 1997 in respect of life prisoners within the meaning of that Chapter]

##### Textual Amendments

- F3** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para. 70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)
- F4** Sch. 5 para. 1(2)(a)(b) substituted for words in Sch. 5 para. 1(2) (30.9.1998) by 1998 c. 37, s. 119, Sch. 8 para.97; S.I. 1998/2327, art.2(1)(y)(2)(gg)

##### Marginal Citations

- M1** 1997 c.43.

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### *F<sup>5</sup> Membership*

#### **Textual Amendments**

**F5** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- F<sup>6</sup>** (1) The Board shall consist of a chairman and not less than four other members appointed by the Secretary of State.
- (2) The Board shall include among its members—
- (a) a person who holds or has held judicial office;
  - (b) a registered medical practitioner who is a psychiatrist;
  - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners; and
  - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) A member of the Board—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
  - (b) may resign his office by notice in writing addressed to the Secretary of State;
- and a person who ceases to hold office as a member of the Board shall be eligible for re-appointment.

#### **Textual Amendments**

**F6** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

### *F<sup>7</sup> Payments to members*

#### **Textual Amendments**

**F7** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

- F<sup>8</sup>** (1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pension, allowances or gratuities as the Secretary of State may determine.
- (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances that make it right that he should receive compensation, the Secretary of State may direct the Board to make to that person a payment of such amount as the Secretary of State may determine.

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- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

#### Textual Amendments

- F8** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

#### *F<sup>9</sup>Proceedings*

#### Textual Amendments

- F9** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- F10**4 (1) Subject to the provisions of section 32(5) of this Act, the arrangements relating to meetings of the Board shall be such as the Board may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee or by one or more of the members or employees of the Board.
- (3) The validity of the proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

#### Textual Amendments

- F10** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

#### *F<sup>11</sup>Staff*

#### Textual Amendments

- F11** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- F12**5 (1) The Board may appoint such number of employees as it may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the Board.
- (3) Any determination under sub-paragraph (1) or (2) shall require the approval of the Secretary of State given with the consent of the Treasury.
- (4) The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Board.

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**Textual Amendments**

**F12** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2** (S.I. 1996/1530 having been revoked by that instrument)

*Reports*

- <sup>F13</sup>6 (1) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Other Bodies there shall be inserted— “Parole Board.”.
- (2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.

**Textual Amendments**

**F13** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2** (S.I. 1996/1530 having been revoked by that instrument)

<sup>F14</sup>*Financial provisions*

**Textual Amendments**

**F14** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2** (S.I. 1996/1530 having been revoked by that instrument)

- <sup>F15</sup>7 (1) The Secretary of State shall pay to the Board—
- (a) any expenses incurred or to be incurred by the Board by virtue of paragraph 3 or 5; and
  - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the Board to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under sub-paragraph (1) shall be paid out of money provided by Parliament.

**Textual Amendments**

**F15** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2** (S.I. 1996/1530 having been revoked by that instrument)

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### *F16 Authentication of Board's seal*

#### Textual Amendments

**F16** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

**F17**8 The application of the seal of the Board shall be authenticated by the signature of the Chairman or some other person authorised for the purpose.

#### Textual Amendments

**F17** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

### *F18 Presumption of authenticity of documents issued by Board*

#### Textual Amendments

**F18** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

**F19**9 Any document purporting to be an instrument issued by the Board and to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

#### Textual Amendments

**F19** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

### *F20 Accounts and audit*

#### Textual Amendments

**F20** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

**F21**10 (1) It shall be the duty of the Board—  
(a) to keep proper accounts and proper records in relation to the accounts;  
(b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury;  
and

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- (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Board and shall lay a copy of every such statement and of his report before each House of Parliament.
- (3) In this paragraph, “financial year” means the period beginning with the date on which the Board is incorporated and ending with the next following 31st March, and each successive period of twelve months.

**Textual Amendments**

**F21** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2** (S.I. 1996/1530 having been revoked by that instrument)

*F22* Reports

**Textual Amendments**

**F22** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2**

- <sup>F23</sup>11 The Board shall as soon as practicable after the end of each financial year make to the Secretary of State a report on the performance of its functions during the year; and the Secretary of State shall lay a copy of the report before Parliament.

**Textual Amendments**

**F23** Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art. 2** (S.I. 1996/1530 having been revoked by that instrument)

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