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SCHEDULES

SCHEDULE 2

Section 20(6).

THE PAROLE BOARD

Modifications etc. (not altering text)

- C1** Ss. 1, 1A, 2(4), 3A, 5, 6(1)(a)(b)(i)(iii), 7, 9, 16, 20, 21, 26A, 27, Schs. 2, 6 extended (30.9.1998) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2)(a)(5)(a)(6)(7), **11(2)(a)(4)(a)(6)** (subject to art. 5) (as amended (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 paras. 135(5)(a)(d)(f)(6)(a)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(oo)** (subject to arts. 5-8))
- Ss. 1-3, 5, 6(1)(a)(b)(i)(iii), 9, 11-13, 15-21, 27, Schs. 2, 6 extended (1.10.1997) by 1997 c. 43, 56(1), Sch. 1 paras. 10(2)(5), 11(2)(4), Sch. 5 paras. 11(1)(3), 12(1); S.I. 1997/2200, **art. 2(1)(n)** (subject to art. 5 of the said S.I.) (which amendment fell (30.9.1998) by reason of the repeal of Sch. 5 paras. 11(1), 12(1) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)(3)(x)** (subject to arts. 5-8 of the said S.I.))

Membership

- 1 The Parole Board shall consist of a chairman and not less than four other members appointed by the Secretary of State.
- [^{F1}1A In making those appointments, the Scottish Ministers shall comply with such requirements as to procedure and consultation as may be prescribed in regulations made by them.]

Textual Amendments

- F1** Sch. 2 paras. 1A, 1B inserted (27.7.2001) by 2001 asp 7, s. 5(2) (with Sch. paras. 79-83); S.S.I. 2001/274, **art. 3(1)(e)**

- [^{F2}1B In making regulations under paragraph 1A above, the Scottish Ministers may make different provision for different kinds of members of the Board, including the kinds of members having the respective qualifications for office specified in paragraph 2 below.]

Textual Amendments

- F2** Sch. 2 paras. 1A, 1B inserted (27.7.2001) by 2001 asp 7, s. 5(2) (with Sch. paras. 79-83); S.S.I. 2001/274, **art. 3(1)(e)**

- 2 The Parole Board shall include among its members—
- a Lord Commissioner of Justiciary;
 - a registered medical practitioner who is a psychiatrist;
 - a person appearing to the Secretary of State to have knowledge and experience of the supervision or aftercare of discharged prisoners; and

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- (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.

Limitation, termination etc. of appointment of members

- [^{F3}2A An appointment as a member of the Parole Board shall, subject to paragraphs 2B to 2D below, last for such period, being not shorter than six years nor longer than seven years, as is specified in the instrument of appointment.]

Textual Amendments

- F3** Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F4}2B A member of the Parole Board may resign at any time by giving notice to that effect to the Scottish Ministers.

Textual Amendments

- F4** Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F5}2C An appointment of a person as a member of the Parole Board shall not extend beyond the day when the person reaches the age of 75.

Textual Amendments

- F5** Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F6}2D The appointment of a member of the Parole Board shall come to an end upon the member's being removed from office under paragraph 3 below.

Textual Amendments

- F6** Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F7}2E A person may be reappointed to be a member of the Parole Board but only if—
- (a) three years or more have passed since the person ceased to be a member of the Parole Board; and
 - (b) the person has not previously been reappointed under this paragraph.

Textual Amendments

- F7** Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F8}2F A person whose membership of the Parole Board came to an end by resignation under paragraph 2B above may be reappointed under paragraph 2E above.

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Textual Amendments

F8 Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

^{F9}2G A person whose membership of the Parole Board came to an end on removal from office under paragraph 3 below shall not be reappointed.

Textual Amendments

F9 Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

^{F10}2H The provisions of paragraphs 1 to 2D above apply to a reappointment under paragraph 2E above as they apply to an appointment.

Textual Amendments

F10 Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

^{F11} Performance of duties

2J The Chairman of the Parole Board shall have regard to the desirability of securing that every member of the Parole Board is given the opportunity of participating appropriately in the functions of the Board under this Act on not fewer than 20 days in each successive period of 12 months beginning with the day of the member's appointment as such.

Textual Amendments

F11 Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

Removal of members from office

[^{F12}3 A member of the Parole Board may be removed from office by and only by order of the tribunal constituted by and under paragraph 3B below (“the tribunal”).]

Textual Amendments

F12 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

^{F13}3A The tribunal may order the removal from office of a member only if, after investigation carried out at the request of the Scottish Ministers, it finds that the member is unfit for office by reason of inability, neglect of duty or misbehaviour.

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Textual Amendments

F13 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F14}3B The tribunal shall consist of the following three members, who shall be appointed by the Lord President of the Court of Session—
- (a) either a Senator of the College of Justice or a sheriff principal (who shall preside);
 - (b) a person who is, and has been for at least ten years, legally qualified; and
 - (c) one other person who shall not be legally qualified.

Textual Amendments

F14 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F15}3C For the purposes of paragraph 3B above, a person is legally qualified if that person is an advocate or a solicitor.

Textual Amendments

F15 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

- ^{F16}3D Regulations, made by the Scottish Ministers—
- (a) may make provision enabling the tribunal, at any time during an investigation, to suspend a member from office and providing as to the effect and duration of such suspension; and
 - (b) shall make such further provision as respects the tribunal as the Scottish Ministers consider necessary or expedient, including provision for the procedure to be followed by and before it.

Textual Amendments

F16 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)

Remuneration and allowances

- 4 There shall be paid to the members of the Board such remuneration and allowances as the Secretary of State may ^{F17} . . . determine.

Textual Amendments

F17 Words in Sch. 2 para. 4 repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 110, Pt. IV; S.I. 1998/3178, art. 3

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- 5 The expenses of the Board under paragraph 4 above and any other expenses incurred by the Board in discharging the functions mentioned in section 20(1) of this Act shall be defrayed by the Secretary of State.

Reports

- 6 The Board shall as soon as practicable after the end of each year make to the Secretary of State a report on the performance of its functions during that year, and the Secretary of State shall lay a copy of the report before Parliament.

Regulations

- [^{F18}6A Regulations under paragraphs 1A and 3D above shall be made by statutory instrument.]

Textual Amendments

F18 Sch. 2 paras. 6A, 6B inserted (27.7.2001) by 2001 asp 7, s. 5(5) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(1)(e)

- ^{F19}6B No such regulations shall be made unless laid in draft before, and approved by resolution of, the Scottish Parliament.

Textual Amendments

F19 Sch. 2 paras. 6A, 6B inserted (27.7.2001) by 2001 asp 7, s. 5(5) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(1)(e)

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