

2018 No. 541

PRISONS, ENGLAND AND WALES

The Parole Board (Amendment) Rules 2018

<i>Made</i> - - - -	<i>26th April 2018</i>
<i>Laid before Parliament</i>	<i>30th April 2018</i>
<i>Coming into force</i> - -	<i>22nd May 2018</i>

The Secretary of State makes these rules in exercise of the powers conferred by sections 239(5) and 330(4) of the Criminal Justice Act 2003(a).

Citation and commencement

1. These Rules may be cited as the Parole Board (Amendment) Rules 2018 and come into force on 22nd May 2018.

Application

2. The amendments made by these Rules do not apply to any decision made by the Parole Board under rules 14 (consideration by a single member appointed under rule 5(1)) or 24 (the decision) before 22nd May 2018.

Amendment to the Parole Board Rules 2016

3. For rule 25 (disclosure of information) of the Parole Board Rules 2016(b) substitute—

“Summaries of reasons and disclosure of information

25.—(1) Where the Secretary of State notifies the Board that a victim wishes to receive a summary of the reasons for a decision recorded under rules 14(7) or 24—

- (a) the Board must produce a summary of the reasons for that decision, and
- (b) the Secretary of State must disclose the summary to that victim,

unless the Board chair considers that there are exceptional circumstances why a summary should not be produced for disclosure.

(2) Where any other person seeks disclosure of a summary of the reasons for a decision recorded under rules 14(7) or 24, the Board must produce and disclose a summary to that person if the Board chair considers that the public interest in the principle of open justice justifies disclosure.

(3) Subject to paragraphs (1) and (2), information about proceedings under these Rules must not be disclosed, except in so far as the Board chair directs.

(a) 2003 c. 44.
(b) S.I. 2016/1041.

(4) Other than those of the parties, the names of persons concerned in proceedings under these Rules must not be disclosed under paragraphs (1) to (3).

(5) A contravention of paragraphs (3) or (4) or both, is actionable as a breach of statutory duty by any person who suffers loss or damage as a result.

(6) For the purposes of this rule—

“victim” means a person who is participating in the Victim Contact Scheme in respect of a prisoner who is party to proceedings under these Rules;

“Victim Contact Scheme” means the scheme set out in the Victims’ Code in accordance with section 32 of the Domestic Violence, Crime and Victims Act 2004^(a).”

26th April 2018

Rory Stewart
Minister of State
Ministry of Justice

(a) 2004 c. 28. Section 33(6) was amended by paragraph 10(2) of Schedule 1 to the Secretary of State for Justice Order 2007 (S.I. 2007/2128).

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules substitute rule 25 of the Parole Board Rules 2016.

Rule 3 of these Rules replaces the blanket prohibition against disclosure of information about Parole Board proceedings in rule 25 of the Parole Board Rules 2016.

Rule 25(1) as inserted, provides an obligation for the Parole Board to produce summaries for victims of the reasons for a decision to release or refuse to release a prisoner, where the Secretary of State has indicated that a victim wishes to receive a summary. The obligation to provide a summary does not apply where the Board chair considers that there are exceptional circumstances why the disclosure should not take place. The definition of a 'victim' is set out in rule 25(6) as inserted.

Rule 25(2) as inserted, obliges the Board to disclose a summary of reasons to members of the public who are not classed as victims under rule 25(1) as inserted. The obligation to provide a summary does not apply where the Board chair considers that disclosure is not in the public interest.

Rule 25(3) as inserted gives the Board chair the discretion to disclose any other information about proceedings.

Rule 25(4) as inserted, prohibits the names of people involved in the proceedings (other than the parties) from being disclosed.

If any information is disclosed other than as prescribed by rule 25 as inserted or at the discretion of the Board chair, the party who suffers injury as a result can action a breach of a statutory duty under Rule 25(5), as inserted.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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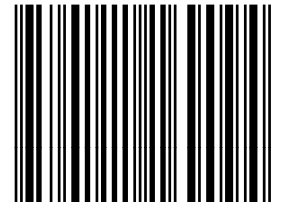
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201804271009 05/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/541>

ISBN 978-0-11-116909-4



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