
STATUTORY INSTRUMENTS

2019 No. 1038

The Parole Board Rules 2019

PART 3

Parole Board proceedings

Decision on the papers after a direction for an oral hearing

21.—(1) Subject to the provisions of this rule, where further evidence is received by the Board after a panel have directed that a case should be determined at an oral hearing under rule 19(1)(c) or 20(5), a panel chair or duty member can direct that the case should be decided on the papers if an oral hearing is no longer necessary.

(2) Where further evidence is received under paragraph (1), the Board must notify the parties of the receipt of the evidence as soon as practicable.

(3) Within 14 days of notification of the receipt of further evidence under paragraph (2), the parties may make representations on—

- (a) the contents of the further evidence, and
- (b) whether they agree to the case being decided by a panel on the papers.

(4) After the 14-day period for the parties to make representations under paragraph (3), the panel chair or duty member will consider the further evidence and any representations made, and make a direction that the case should—

- (a) be decided by a panel on the papers, or
- (b) continue to be determined by a panel at an oral hearing under rule 25.

(5) Where a direction is made under paragraph (4)(a) for a decision to be made by a panel on the papers under paragraph (7), the panel may be constituted of the panel chair who made the direction or by a new panel appointed under rule 5(3).

(6) A direction for a case to be decided on the papers under paragraph (4)(a) cannot be made where there is less than 3 weeks until the oral hearing.

(7) Where a direction is made that the case should be decided on the papers under paragraph (4)(a), the panel must decide either that—

- (a) the prisoner is suitable for release, or
- (b) the prisoner is not suitable for release.

(8) Any decision made under paragraph (7) is provisional if it is eligible for reconsideration under rule 28, and becomes final if no application for reconsideration is received within the period specified by that rule.

(9) Any decision made under paragraph (7) which is not eligible for reconsideration under rule 28 is final.

(10) Where a panel chair or duty member receives a request for advice from the Secretary of State concerning whether a prisoner should move to open conditions, the panel chair must recommend whether—

- (a) the prisoner is suitable for a move to open conditions, or
- (b) the prisoner is not suitable for a move to open conditions.

(11) Where the Board receive a request for advice with respect to any matter referred to it by the Secretary of State, any recommendation made in respect of that request is final.

(12) The decision under paragraph (7) and/or recommendation under paragraph (10) must be recorded in writing with reasons for that decision and/or recommendation, and the written record provided to the parties within 14 days of that decision and/or recommendation.