
STATUTORY INSTRUMENTS

2019 No. 1038

The Parole Board Rules 2019

PART 1

Introduction

Citation, commencement and revocation

1.—(1) These Rules may be cited as the Parole Board Rules 2019 and come into force on 22nd July 2019.

(2) The Parole Board Rules 2016(1) and the Parole Board (Amendment) Rules 2018(2) are revoked.

Interpretation

2. In these Rules—

“1997 Act” means the Crime (Sentences) Act 1997(3);

“2003 Act” means the Criminal Justice Act 2003;

“assessment panel” means a panel appointed under rule 5(4) to consider reconsideration applications under rule 28;

“barrister” means an individual who has been called to the Bar by an Inn of Court and holds a current practising certificate;

“Board” means the Parole Board(4);

“Board chair” means the chairman of the Board appointed under paragraph 2 of Schedule 19 to the 2003 Act;

“case” means any matter referred to the Board by the Secretary of State, including a request for advice;

“custodian” means a prison officer under the Prison Act 1952(5), an officer of a contracted-out prison under the Criminal Justice Act 1991(6), or any person employed to work in a prison;

“determinate sentence” means a sentence served by a fixed-term prisoner as defined by section 237 of the 2003 Act;

“direct application” means an application made by a prisoner directly to the Board under rule 31;

“duty member” means a member of the Board appointed under rule 4(2);

(1) S. I. 2016/1041.

(2) S. I. 2018/541.

(3) 1997 c. 43.

(4) The Parole Board is continued in existence by section 239(1) of the Criminal Justice Act 2003 (c. 44).

(5) 1952 c. 52.

(6) 1991 c. 53.

“extended sentence” means an extended sentence for certain violent or sexual offences under sections 226A, 226B, 227 and 228 of the 2003 Act⁽⁷⁾, or section 85 of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁸⁾;

“indeterminate sentence” means a sentence listed under section 34(2) of the 1997 Act;

“members of staff” means employees appointed under paragraph 5 of Schedule 19 to the 2003 Act;

“offender” means a prisoner or a person released from prison on licence;

“oral hearing” means a hearing before a panel appointed under rule 5(2);

“panel” means a panel of one or more members appointed under rule 5(1), (2), (3) or (5);

“panel chair” means the person who is chairing a panel by virtue of rule 5(6);

“party” means a prisoner or the Secretary of State;

“previous review” means the Secretary of State’s previous referral of the prisoner’s case to the Board relating to the prisoner’s release under the 1997 Act or 2003 Act;

“prison” includes a young offender institution or any other institution where a prisoner is detained;

“prison director” means a person appointed under section 85(1)(a) of the Criminal Justice Act 1991;

“prisoner” means a person detained in a young offender institution or detained or imprisoned in any other institution, excluding a person on remand;

“prison governor” means a person acting as governor of a prison as required by section 7 of the Prison Act 1952;⁽⁹⁾

“provisional decision” means a decision which is not yet final because; (a) it is subject to an application for an oral hearing under rule 20(1); or (b) it is subject to reconsideration under rule 28;

“public holiday” means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁰⁾ in England and Wales;

“recall” means where an offender is serving a sentence in the community on licence and the Secretary of State revokes the licence returning the offender to custody;

“request for advice” means any matter referred to the Board where it is the Board’s duty to advise the Secretary of State under section 239(2) of the 2003 Act;

“solicitor” means a solicitor of the Senior Courts;

“working day” means any day which is not a Saturday, Sunday or a public holiday.

Application

3.—(1) These Rules apply to all cases and direct applications before the Board.

(2) Subject to paragraph (3), cases referred to the Board before the date on which these Rules come into force continue under these Rules, and are treated as if the case was referred under these Rules.

(7) Sections 227 and 228 of the 2003 Act were repealed by sections 123(c) and (d) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 c. 10, subject to savings as specified in article 5 of S.I. 2012/2906.

(8) 2000 c. 6. The provisions of section 85 were repealed by paragraph 1 of Schedule 37 to the 2003 Act subject to savings specified in article 3(3) of S.I. 2012/2905.

(9) Section 7 of the 1952 Act was amended by paragraph 1 of Schedule 5(2) to the Offender Management Act 2007 c. 21 and section 18(2) of the Sex Discrimination Act 1975 c. 65.

(10) 1971 c. 80.

(3) Applications for reconsideration under rule 28 can only be made where a decision that is eligible for reconsideration is made on or after the date these Rules come into force.

(4) Any steps taken in cases before the date on which these Rules come into force are deemed to have been taken under these Rules.