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STATUTORY INSTRUMENTS

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**2019 No. 1038**

**The Parole Board Rules 2019**

**PART 3**

**Parole Board proceedings**

**Referral and service of reports**

**16.**—(1) A case is deemed to be referred to the Board on the date that the Board receives the referral letter and the information and reports required under paragraph (3) from the Secretary of State.

(2) The Secretary of State must serve the information and reports required under paragraph (3) on the prisoner (and the prisoner’s representative if they are represented) at the same time as service on the Board.

(3) Subject to rule 17, the Secretary of State must serve on the Board and the prisoner (and the prisoner’s representative if they are represented)—

- (a) the information specified in the Schedule;
- (b) any further information which the Secretary of State considers relevant to the case, and
- (c) where a case relates to a request for advice, any information which the Secretary of State considers relevant to the case.

**Commencement Information**

**II** Rule 16 in force at 22.7.2019, see [rule 1\(1\)](#)

**Withholding information or reports**

**17.**—(1) The Secretary of State and any third party authorised by the Secretary of State (“authorised third party”) may apply to the Board for information or any report (“the material”) to be withheld from the prisoner, or from both the prisoner and their representative, where the Secretary of State or the authorised third party considers—

- (a) that its disclosure would adversely affect—
  - (i) national security;
  - (ii) the prevention of disorder or crime, or
  - (iii) the health or welfare of the prisoner or any other person, and
- (b) that withholding the material is a necessary and proportionate measure in the circumstances of the case.

(2) An application under paragraph (1) may not be made later than 8 weeks before the date allocated for an oral hearing under rule 22.

(3) Where the Secretary of State or the authorised third party makes an application for the material to be withheld under paragraph (1), the Secretary of State or authorised third party must serve on the Board—

- (a) the material, or a separate document containing the material, and
- (b) a written application for non-disclosure, explaining why it is proposed to be withheld.

(4) On receipt of an application under paragraph (3)(b), either a panel chair or duty member appointed for that purpose, must consider the application and may make directions as necessary to enable determination of the application.

(5) Where the panel chair or duty member is satisfied that all relevant information has been served on the Board, they must consider the application and direct that the material should be—

- (a) served on the prisoner and their representative (if applicable) in full;
- (b) withheld from the prisoner or from both the prisoner and their representative, or
- (c) disclosed to the prisoner, or to both the prisoner and the prisoner's representative (if applicable) in the form of a summary or redacted version.

(6) If—

- (a) a direction is given under paragraph (5)(a) and the Secretary of State or authorised third party intends to appeal against it in accordance with paragraph (11), or
- (b) a direction is given under paragraph (5)(b) or (c),

the Secretary of State, or the Board (where an authorised third party made the application under paragraph (3)), must, as soon as practicable, notify the prisoner and the prisoner's representative (if applicable) that an application has been made under paragraph (3)(b) and the direction that has been made under paragraph (5).

(7) If the panel chair or duty member appointed under paragraph (4) gives a direction under paragraph (5)(b) or (c) that relates only to the prisoner, and that prisoner has a representative, the Secretary of State or authorised third party must, subject to [F1paragraph 11], serve the material as soon as practicable (unless the panel chair or duty member directs otherwise) on the prisoner's representative, [F2provided that—

- (a) the representative is—
  - (i) a barrister or solicitor;
  - (ii) a registered medical practitioner; or
  - (iii) a person whom the panel chair or duty member appointed under paragraph (4) directs is suitable by virtue of their experience or professional qualifications; and
- (b) the representative has first given an undertaking to the Board that they will not disclose the material to the prisoner or to any other person, other than other representatives also responsible for that prisoner's case.]

(8) The panel chair or duty member [F3making the determination in regards to the non-disclosure application, or the panel chair or duty member at a later date,] may direct the appointment of a special advocate appointed by the Attorney General to represent the prisoner's interests where the panel chair or duty member appointed under paragraph (4)—

- (a) makes a direction under (5)(a) and the Secretary of State or the authorised third party appeals the direction under paragraph (11), or
- (b) makes a direction under (5)(b) or (c) that relates to a prisoner and their representative, or the prisoner does not have a representative.

(9) If a direction to appoint a special advocate is made under paragraph (8), the Secretary of State or authorised third party must serve the material as soon as practicable (unless the panel chair or duty member directs otherwise) on the special advocate.

<sup>F4</sup>(10) .....

(11) Within 7 days of notification by the Secretary of State or Board in accordance with paragraph (6), either party or the authorised third party may appeal against that direction to the Board chair and notify the other party of the application to appeal.

(12) If the Secretary of State or authorised third party appeals the direction in accordance with paragraph (11), the Secretary of State or authorised third party need not serve the material under paragraphs (5) or (7) until the appeal is determined.

(13) Where a direction is made under paragraph (5)(b) or (c) to withhold material from a prisoner who does not have a representative, the decision will automatically be considered in an appeal to the Board chair.

(14) Within 7 days of being notified that a party has appealed under paragraph (11), the other party may make representations in respect of the appeal to the Board chair.

<sup>F5</sup>(14A) In determining an appeal under paragraph (11) or (13), the Board chair must consider the application and may make directions as necessary to enable determination of the application, including a direction under paragraph (8).

(14B) The Board chair may determine an appeal by—

- (a) upholding the decision made by the panel chair or duty member under paragraph (5); or
- (b) substituting their own decision, which may contain any direction that the panel chair or duty member could have made under paragraph (5).

(14C) When the Board chair has made a decision under paragraph (14B) the Secretary of State, or the Board (where an authorised third party made the application to appeal under paragraph (11)), must, as soon as practicable, notify the prisoner and the prisoner’s representative (if applicable) that a decision has been made and its outcome.

(14D) The panel chair or duty member may consent to the disclosure of any material withheld under this rule at a later date provided that the direction is subject to a separate right of appeal under paragraph (11).]

(15) If—

- (a) a panel chair or duty member appointed under paragraph (4) to determine an application under paragraph (1), <sup>F6</sup>...
- (b) the Board chair determining an appeal under paragraph (11) or (13), [<sup>F7</sup>or]

<sup>F8</sup>(c) a panel chair or duty member consenting to disclosure under paragraph (14D),]

decides that any material which is subject to the application by the Secretary of State or authorised third party under paragraph (1) should be disclosed to the prisoner [<sup>F9</sup>or the prisoner’s representative] (in full or in the form of a summary or redacted version), the Secretary of State or authorised third party may withdraw the material <sup>F10</sup>....

<sup>F11</sup>(16) If the Secretary of State does not withdraw any material in accordance with paragraph (15), they must serve on the prisoner or the prisoner’s representative or both (as directed by the Board chair)—

- (a) the decision, subject to any redactions the Board considers necessary so as not to undermine the decision;
- (b) any material directed to be disclosed, subject to receipt of an undertaking if so directed.]

### Textual Amendments

- F1** Words in rule 17(7) substituted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(a)(i)**
- F2** Words in rule 17(7) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(a)(ii)**
- F3** Words in rule 17(8) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(b)**
- F4** Rule 17(10) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(c)**
- F5** Rule 17(14A)-(14D) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(d)**
- F6** Word in rule 17(15)(a) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(e)(i)**
- F7** Word in rule 17(15)(b) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(e)(ii)**
- F8** Rule 17(15)(c) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(e)(iii)**
- F9** Words in rule 17(15) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(e)(iv)**
- F10** Words in rule 17(15) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(e)(v)**
- F11** Rule 17(16) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(11)(f)**

### Commencement Information

- I2** Rule 17 in force at 22.7.2019, see [rule 1\(1\)](#)

### Representations by and evidence of the parties

**18.—(1)** A party who wishes to make representations to the Board must serve them on the Board and the other party—

- (a) within 4 weeks of the case being referred to the Board where the case relates to the initial release of a prisoner, or
- (b) at the time of referral if the case relates to the release following recall of a prisoner.

(2) Any additional evidence that a party wishes to present at an oral hearing must be served on the Board and the other party at least 14 days before the date of the oral hearing.

(3) Any party that wishes to present at an oral hearing documentary evidence which has not been served at least 14 days before the date of the hearing, must serve the material on the Board and the other party, together with an application to the panel chair or duty member for permission to do so, as soon as reasonably practicable, and must, as part of that application, give reasons for late service.

### Commencement Information

- I3** Rule 18 in force at 22.7.2019, see [rule 1\(1\)](#)

### Consideration on the papers

**19.—(1)** Where a panel is appointed under rule 5(1) to consider the release of a prisoner, the panel must decide on the papers either that—

- (a) the prisoner is suitable for release;
  - (b) the prisoner is unsuitable for release, or
  - (c) the case should be directed to an oral hearing.
- (2) Where a panel has received a request for advice from the Secretary of State concerning whether a prisoner should move to open conditions, the panel 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.
- (3) Where a panel makes a decision that the case should be directed to an oral hearing under this rule, the panel may at the same time make any directions relating to the oral hearing.
- (4) Any decision made under paragraph (1)(a) which is eligible for reconsideration under rule 28 is provisional, and becomes final if no application for reconsideration is received within the period specified by that rule.
- (5) Any decision made under paragraph (1)(a) which is not eligible for reconsideration under rule 28 is final.
- (6) Any decision made under paragraph (1)(b) is provisional.
- (7) Where the Board receives a request for advice with respect to any matter referred to it by the Secretary of State, the Board may advise or make a recommendation to the Secretary of State without an oral hearing.
- [<sup>F12</sup>(8) The panel’s decision or advice must include the reasons for that decision or advice.]

**Textual Amendments**

**F12** Rule 19(8) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(12)**

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**Commencement Information**

**I4** Rule 19 in force at 22.7.2019, see [rule 1\(1\)](#)

**Procedure after a provisional decision on the papers**

- 20.**—(1) Where a panel appointed under rule 5(1) has made a decision that a prisoner is unsuitable for release under rule 19(1)(b), the prisoner may apply in writing for a panel at an oral hearing to determine the case.
- (2) A prisoner who makes an application under paragraph (1) must serve the application, together with reasons for making an application, on the Board and the Secretary of State, within 28 days of [<sup>F13</sup>receipt of the decision or advice] under rule 19(8).
- (3) If no application has been served by the prisoner under paragraph (2) after the expiry of the period specified by that paragraph, a provisional decision made under rule 19(1)(b)—
- (a) remains 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, or
  - (b) becomes final if it is not eligible for reconsideration under rule 28.
- <sup>F14</sup>(4) .....
- (5) If an application is served in accordance with paragraph (2), the decision about whether the case should be determined at an oral hearing must be taken by a member of the Board who—
- (a) is a duty member, and

- (b) was not part of the constituted panel appointed under rule 5(1) who made the provisional decision.
- (6) If the decision taken under paragraph (5) is that the case should not be determined at an oral hearing, a provisional decision under rule 19(1)(b)—
- (a) remains 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, or
  - (b) becomes final if it is not eligible for reconsideration under rule 28.
- (7) Where the decision taken under paragraph (5) is that the case should not be determined at an oral hearing, that decision must <sup>F15</sup>—
- (a) be provided to the parties by the Board within 14 days of the application being served by the prisoner under paragraph (2); and
  - (b) include the reasons for that decision.]
- (8) A decision under paragraph (5) cannot be deferred or adjourned by a panel chair or duty member under rule 6 and the time limit in paragraph (7) cannot be extended under rule 9.

#### Textual Amendments

- F13** Words in [rule 20\(2\)](#) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), [rules 1\(2\)](#), [2\(13\)\(a\)](#)
- F14** [Rule 20\(4\)](#) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), [rules 1\(2\)](#), [2\(13\)\(b\)](#)
- F15** [Rule 20\(7\)\(a\)\(b\)](#) substituted for words (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), [rules 1\(2\)](#), [2\(13\)\(c\)](#)

#### Commencement Information

- I5** Rule 20 in force at 22.7.2019, see [rule 1\(1\)](#)

### Decision on the papers after a direction for an oral hearing

**21.**—(1) Subject to the provisions of this rule, where <sup>F16</sup>... 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 <sup>F17</sup>may] direct that the case should be decided on the papers if an oral hearing is no longer necessary <sup>F18</sup>—

- (a) in the interests of justice;
- (b) to effectively manage the case; or
- (c) for such other reason as the panel chair or duty member considers appropriate, including where further evidence is received by the Board.]

<sup>F19</sup>(2) The Board must notify the parties where it is considering making a direction in accordance with paragraph (1) and its reasons for doing so as soon as practicable.]

(3) Within 14 days of notification <sup>F20</sup>... under paragraph (2), the parties may make representations on—

- <sup>F21</sup>(za) the reasons provided by the Board for the proposed direction;]
- (a) the contents of <sup>F22</sup>any] 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 [<sup>F23</sup>case, including any] 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).

<sup>F24</sup>(6) . . . . .

(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 [<sup>F25</sup>include the reasons for that decision and/or recommendation.]

**Textual Amendments**

- F16** Words in rule 21(1) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(a)(i)**
- F17** Word in rule 21(1) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(a)(ii)**
- F18** Rule 21(1)(a)-(c) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(a)(iii)**
- F19** Rule 21(2) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(b)**
- F20** Words in rule 21(3) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(c)(i)**
- F21** Rule 21(3)(za) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(c)(ii)**
- F22** Word in rule 21(3)(a) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(c)(iii)**
- F23** Words in rule 21(4) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(14)(d)**

- F24** Rule 21(6) omitted (21.7.2022) by virtue of The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(14)(e)**
- F25** Words in rule 21(12) substituted (21.7.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(14)(f)**

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**Commencement Information**

- I6** Rule 21 in force at 22.7.2019, see **rule 1(1)**

**Notice of an oral hearing**

- 22.**—(1) Before fixing the date of the oral hearing the Board must consult the parties.
- (2) Within 1 week of a case being listed, the Board must notify the parties of the date of the oral hearing.
- (3) The Board must give the parties reasonable notice of the date, time and place of the hearing.
- (4) Where notification is less than 12 weeks then the Board must review any other affected timescale.
- (5) Notification of less than 3 weeks must be agreed with both parties.
- (6) If applicable, the Board must give the parties notice that the hearing will be held via video link, telephone conference or other electronic means.

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**Commencement Information**

- I7** Rule 22 in force at 22.7.2019, see **rule 1(1)**

**Notification by prisoner**

- 23.**—(1) A prisoner must notify the Board and the Secretary of State if—
- (a) the prisoner does not want a panel at an oral hearing to consider the case, or
- (b) the prisoner does not want to attend an oral hearing which has been listed.
- (2) An oral hearing may take place in the absence of a prisoner where—
- (a) a prisoner has notified the Board in accordance with paragraph (1);
- (b) a represented prisoner has not notified the Board in accordance with paragraph (1) but the prisoner’s representative is in attendance;
- (c) a represented prisoner has not notified the Board in accordance with paragraph (1) and neither the prisoner nor the prisoner’s representative are present at the hearing.

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**Commencement Information**

- I8** Rule 23 in force at 22.7.2019, see **rule 1(1)**

**Oral hearing procedure**

- 24.**—<sup>F26</sup>(1) At the beginning of the oral hearing the panel chair must explain the order of proceedings which the panel plans to adopt].
- (2) The panel—
- (a) must avoid formality during the hearing;

- (b) may ask any question to satisfy itself of the level of risk of the prisoner, and
  - (c) must conduct the hearing in a manner it considers most suitable to the clarification of the issues before it and to the just handling of the proceedings.
- (3) The parties are entitled to—
- (a) take such part in the proceedings as the panel thinks fit;
  - (b) hear each other’s witnesses and representations;
  - (c) put questions to each other;
  - (d) call a witness who has been given written notification in accordance with rule 13, and
  - (e) question any witness appearing before the panel.
- [<sup>F27</sup>(4) The panel chair may exclude from any oral hearing (including a directions hearing or case management conference), or part of it—
- (a) any person whose conduct the panel chair considers is disrupting or is likely to disrupt the oral hearing;
  - (b) any person whose presence the panel chair considers is likely to prevent another person from giving evidence or making submissions freely;
  - (c) any person during any part of the hearing where evidence which has been directed to be withheld from the prisoner or the prisoner and their representative under rule 17 is to be considered; or
  - (d) a witness until that witness gives evidence.]
- (5) The panel chair may permit a person who was [<sup>F28</sup>excluded] under paragraph (4) to return on such conditions as the panel chair may specify.
- (6) A panel may produce or receive in evidence any document or information whether or not it would be admissible in a court of law.
- (7) No person is compelled to give any evidence or produce any document which they could not be compelled to give or produce on the trial of an action.
- <sup>F29</sup>(8) .....
- (9) After all the evidence has been given, if the prisoner is present at the hearing, the prisoner must be given an opportunity to address the panel.

**Textual Amendments**

- F26** Rule 24(1) substituted (3.4.2023) by [The Parole Board \(Amendment\) Rules 2023 \(S.I. 2023/397\)](#), rules 1(2), **2(2)**
- F27** Rule 24(4) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(15)(b)**
- F28** Word in rule 24(5) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(15)(c)**
- F29** Rule 24(8) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(15)(d)**

**Commencement Information**

- I9** Rule 24 in force at 22.7.2019, see [rule 1\(1\)](#)

### Decision by a panel at an oral hearing

**25.**—(1) Where a panel has considered a prisoner’s case at an oral hearing, the panel must decide either that—

- (a) the prisoner is suitable for release, or
- (b) the prisoner is unsuitable for release.

(2) Any decision made by the panel under paragraph (1) which is eligible for reconsideration under rule 28 is provisional, and becomes final if no application for reconsideration is received within the period specified by that rule.

(3) Any decision made by the panel under paragraph (1) which is not eligible for reconsideration under rule 28 is final.

(4) Where a panel receives a request for advice from the Secretary of State concerning whether a prisoner should move to open conditions, the panel must recommend either that—

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

(5) Where the Board receives 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.

(6) The decision under paragraph (1) and/or recommendation under paragraph (4) must <sup>F30</sup>—

- (a) be provided to the parties within 14 days of the hearing; and
- (b) include the reasons for that decision and/or recommendation.]

(7) The <sup>F31</sup>... decision and/or recommendation must refer only to the matter which the Secretary of State referred to the Board.

#### Textual Amendments

**F30** Rule 25(6)(a)(b) substituted for words (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(16)(a)**

**F31** Word in rule 25(7) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(16)(b)**

#### Commencement Information

**I10** Rule 25 in force at 22.7.2019, see [rule 1\(1\)](#)

### Decision making by a panel <sup>F32</sup>...

**26.**—<sup>F33</sup>(1) Where a panel is constituted of more than one member, a decision of the majority of the members of the panel is the decision of the panel.]

(2) A panel <sup>F34</sup>... that is unable to reach a decision in accordance with paragraph (1) must be dissolved by the Board chair, who must then appoint a new panel.

#### Textual Amendments

**F32** Words in rule 26 heading omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(17)(a)**

**F33** Rule 26(1) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(17)(b)**

**F34** Words in rule 26(2) omitted (21.7.2022) by virtue of [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(17)(c)**

#### Commencement Information

**I11** Rule 26 in force at 22.7.2019, see [rule 1\(1\)](#)

### Summaries and disclosure

**27.**—(1) Where a victim or any other person seeks disclosure of a summary of the reasons for a decision [<sup>F35</sup>or recommendation]—

- (a) made under rule 19(1)(a), [<sup>F36</sup>19(2), 21(7), 21(10), 25(1), 25(4)] or 31(6);
- (b) made under rule 19(1)(b) where a prisoner does not make an application for an oral hearing under rule 20(1), or a prisoner makes an application for an oral hearing but it is decided that the case should not be considered at an oral hearing under rule 20(6),

the Board must produce a summary of the reasons for that decision [<sup>F35</sup>or recommendation], unless the Board chair considers that there are exceptional circumstances why a summary should not be produced for disclosure.

(2) The Board is not required to produce a summary under paragraph (1) where the request is made more than 6 months after the decision [<sup>F37</sup>or recommendation].

(3) Where a victim seeks disclosure of a summary produced under paragraph (1), the Secretary of State must notify the Board that the victim wishes to receive a summary, and must disclose the summary that is produced by the Board to that victim.

(4) Where any other person seeks disclosure of a summary under paragraph (1), the Board must disclose the summary that is produced to that person.

[<sup>F38</sup>(5) Subject to paragraph (1) and rule 17, the Board chair may prohibit or permit the disclosure, recording or publication of proceedings or information about proceedings under these Rules.

(5A) A decision of the Board chair under paragraph (5) may relate to a class of proceedings.]

(6) Other than those of the parties, the names of persons concerned in proceedings under these Rules must not be disclosed under paragraphs (1) to (5) [<sup>F39</sup>unless the Board chair gives a direction to the contrary].

(7) A contravention of paragraphs (5) or (6), is actionable as a breach of statutory duty by any person who suffers loss or damage as a result.

(8) 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(1).

#### Textual Amendments

**F35** Words in rule 27(1) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(18)(a)(i)**

**F36** Words in rule 27(1)(a) substituted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(18)(a)(ii)**

(1) [2004 c. 28](#). Section 33(6) requires the Code to be laid before Parliament and was amended by paragraph 10(2) of Schedule 1 to the Secretary of State for Justice Order 2007 (S.I. 2007/2128).

- F37** Words in rule 27(2) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(18)(b)**
- F38** Rule 27(5)(5A) substituted for rule 27(5) (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(18)(c)**
- F39** Words in rule 27(6) inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), **2(18)(d)**

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**Commencement Information**

- I12** Rule 27 in force at 22.7.2019, see [rule 1\(1\)](#)

**Reconsideration of decisions**

**28.**—(1) Subject to paragraph (2), where a decision has been made under rule 19(1)(a) or (b), [<sup>F40</sup>21(7), 25(1) or 31(6)(a) or (c), or (6A)], a party may apply to the Board for the case to be reconsidered on the grounds that [<sup>F41</sup>the decision—

- (a) contains an error of law;
- (b) is irrational; or
- (c) is procedurally unfair.]

(2) Decisions are eligible for reconsideration only where the prisoner is serving—

- (a) an indeterminate sentence;
- (b) an extended sentence;
- (c) a determinate sentence subject to initial release by the Board under Chapter 6 of Part 12 of the 2003 Act;

[<sup>F42</sup>(d) a serious terrorism sentence.]

(3) An application for a provisional decision to be reconsidered under paragraph (1) must be made and served on the other party no later than 21 days after the [<sup>F43</sup>decision] under rules 19(8), [<sup>F44</sup>21(12), 25(6) or 31(7)] is provided to the parties.

(4) Where a party makes an application under paragraph (3), the other party may make representations, and those representations must be provided to the Board and the party who made the application within 7 days of service of the application.

(5) Where an application made under paragraph (3) is received by the Board, the application must be considered on the papers by an assessment panel.

(6) After assessing the application under paragraph (5), the assessment panel must—

- (a) direct that the provisional decision should be reconsidered, or
- (b) dismiss the application.

(7) The assessment panel may direct that the provisional decision should be reconsidered under paragraph (6)(a) only if it has identified a ground for reconsideration under paragraph (1).

(8) Where the assessment panel dismiss the application under paragraph (6)(b), the provisional decision becomes final.

(9) Where the assessment panel directs that the provisional decision should be reconsidered under paragraph (6)(a), the assessment panel must direct that the case should be—

- (a) reconsidered on the papers by the previous panel or a new panel appointed under rule 5(1), or
- (b) reconsidered at an oral hearing by the previous panel or a new panel appointed under rule 5(2).

(10) The decision of the assessment panel must [<sup>F45</sup>include the reasons for that decision or advice.]

#### Textual Amendments

- F40** Words in rule 28(1) substituted (21.9.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(19)(a)(i)**
- F41** Words in rule 28(1) substituted (21.7.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(19)(a)(ii)**
- F42** Rule 28(2)(d) inserted (21.7.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(19)(b)**
- F43** Word in rule 28(3) substituted (21.7.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(19)(c)(i)**
- F44** Words in rule 28(3) substituted (21.9.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(19)(c)(ii)**
- F45** Words in rule 28(10) substituted (21.7.2022) by The Parole Board (Amendment) Rules 2022 (S.I. 2022/717), rules 1(2), **2(19)(d)**

#### Commencement Information

- I13** Rule 28 in force at 22.7.2019, see **rule 1(1)**

#### [<sup>F46</sup>Setting aside final decisions

**28A.**—(1) The Board may set aside a final decision made under rule 19(1)(a) or (b), 21(7) or 25(1)—

- (a) on application by a party; or
- (b) on initiation by the Board chair.

(2) An application or initiation under paragraph (1)(a) or (b) must be considered on the papers by a decision maker.

(3) A final decision may be set aside under paragraph (1) by a decision maker if—

- (a) it is in the interests of justice to do so; and
- (b) one or more of the conditions in paragraph (4) are satisfied.

(4) The conditions are—

- (a) the decision maker is satisfied that a direction given by the Board for, or a decision made by it not to direct, the release of a prisoner would not have been given or made but for an error of law or fact;
- (b) the decision maker is satisfied that a direction given by the Board for the release of a prisoner would not have been given if—
  - (i) information that was not available to the Board when the direction was given had been so available, or
  - (ii) a change in circumstances relating to the prisoner that occurred after the direction was given, had occurred before it was given.

(5) An application or initiation to set aside a decision under paragraph (1)(a) or (b) must be made—

- (a) within 21 days of the decision; or
- (b) if the application or initiation relies on a condition in paragraph (4)(b), before the prisoner is released.

(6) Where an application is made under paragraph (1)(a)—

- (a) the party who made the application must serve the application and any representations in support upon the Board and the other party;
  - (b) the Secretary of State must serve all relevant information and reports upon the Board and the other party; and
  - (c) the other party may make any representations in reply, and those representations must be provided to the Board and the party who made the application within 7 days of service of the application.
- (7) Where an initiation is made under paragraph (1)(b)—
- (a) the Board must notify both parties of the initiation by the Board chair and serve any reasons in support of the initiation upon the parties;
  - (b) the Secretary of State must serve all relevant information and reports upon the Board and the other party; and
  - (c) the parties may make any representations in reply, and those representations must be provided to the Board and the other party within 7 days of service of the initiation.
- (8) Where the decision maker directs that a final decision should be set aside, they must also direct that the case should be—
- (a) decided again on the papers by the previous panel or a new panel appointed under rule 5(1), or
  - (b) decided again at an oral hearing by the previous panel or a new panel appointed under rule 5(2).
- (9) The decision of the decision maker under paragraph (3) must include the reasons for that decision.
- (10) Any requirement on the Secretary of State to give effect to a Parole Board direction to release a prisoner under Chapter 2 of Part 2 of the 1997 Act or Chapter 6 of Part 12 of the 2003 Act, is suspended when an application is made under paragraph (1)(a) or (b), pending the decision under paragraph (3).
- (11) In this rule, “decision maker” means—
- (a) a panel appointed under rule 5(4A) to consider the application; unless
  - (b) one or more grounds of the application related to paragraph (4)(b) of this rule apply and the panel appointed under rule 5(4A) delegates the role of decision maker to the chair of the panel who made the decision which is sought to be set aside.]

#### Textual Amendments

**F46** Rule 28A inserted (21.7.2022) by [The Parole Board \(Amendment\) Rules 2022 \(S.I. 2022/717\)](#), rules 1(2), 2(20)

#### Error of Procedure

- 29.** Where there has been an error of procedure by either party or by the Board, including a failure to comply with a rule—
- (a) the error does not invalidate any step taken in the proceedings unless the member appointed by the Board for this purpose, being either a panel chair or duty member, directs otherwise, either on the application of a party or in the course of conducting the proceedings, and
  - (b) the panel chair or duty member may make a direction or take any other step that it considers appropriate.

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**Commencement Information**

**I14** Rule 29 in force at 22.7.2019, see [rule 1\(1\)](#)

**Slip Rule**

- 30.**—(1) The Board may at any time correct an accidental slip or omission in a decision.  
(2) A party may apply for a correction without notice.

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**Commencement Information**

**I15** Rule 30 in force at 22.7.2019, see [rule 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Parole Board Rules 2019, PART 3.