

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 2

Constitution of Parole Board for Scotland

Removal of Parole Board members from office

55. [Section 5\(4\)](#) replaces the original paragraph 3 of schedule 2 to the 1993 Act with new paragraphs 3 to 3D. These new paragraphs set out the grounds for removing a Parole Board member from office and the procedure for doing so.
56. [Paragraph 3](#) places the responsibility for deciding on removal on a tribunal to be constituted for this purpose.
57. Paragraph 3A provides that the tribunal can remove a member from office only if an investigation has been carried out at the request of the Scottish Ministers and that investigation has found the member to be unfit for office because of inability, neglect of duty or misbehaviour.
58. Paragraph 3B determines the membership of the tribunal. The members will be appointed by the Lord President of the Court of Session and will be:
 - (a) *a Senator of the College of Justice or a sheriff principal (who shall preside),*
 - (b) *an advocate or a solicitor who has been qualified for at least 10 years; and*
 - (c) *one other person who shall not be legally qualified.*
59. Paragraph 3D(a) allows the Scottish Ministers to make regulations, which will allow the tribunal to suspend a member of the Parole Board from office during an investigation. The regulations may also make provision for the length and effect of any such suspension. Sub-paragraph (b) empowers the Scottish Ministers to make any other provision considered necessary in respect of the tribunal, including procedure to be followed by and before it.
60. [Section 5\(5\)](#) inserts paragraphs 6A and 6B into schedule 2 to the 1993 Act. These paragraphs provide that the regulations under paragraphs 1A and 3D of schedule 2 will be made by statutory instrument, and must be laid in draft before and approved by a resolution of the Scottish Parliament.
61. [Section 5\(6\)](#) gives effect to Part 6 of the schedule for the purpose of making transitional provisions for existing members of the Parole Board.