

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT Schedule

Transitional Provisions

Part 6

Existing members of the Parole Board

131. [Part 6](#) of the schedule makes additional provision for existing members of the Parole Board.
132. [Paragraph 79](#) provides that, subject to paragraphs 80 to 83 of the schedule, the provisions in section 5 of the Act that alter the constitution of the Parole Board apply to existing members as well as new members. Therefore, for example, the appointment of an existing member will not extend beyond that member's 75th birthday. Similarly, existing members may only be removed from office by the tribunal that is provided for in section 5(4) of the Act.
133. [Paragraph 80](#) provides that any period of appointment served by an existing Parole Board member prior to the period of appointment that is being served at the time when section 5 of the Act comes into force will be disregarded for the purposes of paragraph 2E of schedule 2 to the 1993 Act (as inserted by section 5(3) of the Act). Therefore, a previous period of appointment will not be regarded as an appointment under paragraph 2E and all existing members will be eligible to apply for reappointment provided there is an interval of at least 6 years between the end of their existing appointment and the start of any reappointment.
134. [Paragraphs 81](#) and [82](#) set out the basis for calculating the terms of appointment for existing members and the point when the appointment of each existing member should be deemed to begin and end. In some cases, the period of appointment of an existing member will not begin or end on the date that is specified in that member's current instrument of appointment. In addition, the period of appointment may be different to that specified in the appointment instrument.
135. [Paragraph 81](#) provides that if an existing member's current appointment followed a response to a public advertisement seeking applications for membership of the Parole Board, and if this advertisement was in a newspaper that was circulating throughout Scotland, then that member will be entitled to serve as a Board member for 6 years, beginning on the date when the current appointment actually began.
136. [Paragraph 82](#) provides that an existing member who was not appointed in the manner described in paragraph 81 will be entitled to serve whichever is the later of either the period that is specified in that member's existing instrument of appointment, or a fixed

*These notes relate to the Convention Rights (Compliance) (Scotland)
Act 2001 (asp 7) which received Royal Assent on 5 July 2001*

period of 6 years beginning on the date when the member was first appointed as a member of the Board.

137. [Paragraph 83](#) defines “existing member” as meaning a person who is a member of the Parole Board when section 5 of the Act comes into force. “Current appointment” is defined as meaning the appointment that is held by a member at the time that section 5 of the Act comes into force. “Public advertisement” is defined as meaning an advertisement in a newspaper circulating throughout Scotland.