

CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON PARTS

Section 2 - Parole Board rules

23. Subsection (1) provides that the Scottish Ministers may make rules to regulate the Parole Board's proceedings. Subsection (2) details some of the particular types of provisions which may be included in the rules. There is the power, amongst other things, to:
- authorise cases to be dealt with, in whole or in part, by a specified number of members of the Board;
 - enable the Board to require persons, other than the prisoner whose case the Board is dealing with, to
 - attend a Board hearing,
 - give evidence to the Board, or
 - produce documents;
 - prescribe time limits for the determination of cases and for the performance of other actions; and
 - specify the matters which may be taken into account by the Board when dealing with cases.
24. Subsection (3) allows the Parole Board Rules to apply the terms of subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973:
- Subsection 210(4) of that Act provides the power to request a person to attend (as mentioned above) provided that any expenses incurred are paid and provided that the person is entitled to refuse to produce documents or answer questions, on grounds of privilege or confidentiality, if this could have been done were the matter to have been raised in proceedings in a court of law.
 - Subsection 210(5) of that Act provides that any person who refuses or wilfully neglects to attend a hearing to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he is required or is liable to be required to produce shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale (though this may be raised to level 2 in the rules). It also provides for a penalty of imprisonment for a term not exceeding three months but this penalty cannot apply when section 210(5) is applied to hearings before the Parole Board by virtue of the Parole Board Rules.