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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2001 No.**

**The Life Sentence Commissioners' Rules 2001**

**Part II**

**General**

**Appointment and functions of Panels of Commissioners**

**3.—(1)** The Chairman shall appoint three Commissioners to form a Panel for the purpose of conducting proceedings in relation to a prisoner's case.

(2) The members of the Panel appointed under paragraph (1) shall include a person who holds a legal qualification under Article 3(2) of the Order.

(3) The members of the Panel shall, as far as is practicable, include a registered medical practitioner who is a psychiatrist or a chartered psychologist.

(4) If a member of the Panel to which a case has been allocated is unavailable, the Chairman may nominate another Commissioner to take his place if he considers it necessary to ensure the fair and expeditious conduct of the prisoner's case.

**Notice of referral and listing**

**4.** Where a case is referred to the Commissioners by the Secretary of State the Commissioners shall, within 7 days, list the case and serve written notice of referral on the parties indicating a provisional hearing date and timetable for the case.

**Representation**

**5.—(1)** Subject to paragraphs (2), (3) and (4) the prisoner may appoint a person to act as his representative.

(2) The following persons may act as a representative of the prisoner only with the consent of the Commissioners:

- (a) any person serving a sentence of imprisonment;
- (b) any person who has been released from prison on licence for life; and
- (c) any person with a previous conviction for an imprisonable offence which remains unspent under the Rehabilitation of Offenders (Northern Ireland) Order 1978(1).

(3) Subject to rule 11, the Commissioners, in deciding whether to grant their consent in accordance with paragraph (2), may require the prisoner and his proposed representative to provide to them such evidence, whether oral or written, including prison licence documentation and criminal records, as they consider necessary to enable them to make a direction.

(4) Any person detained under the Mental Health (Northern Ireland) Order 1986(2) may not act as a representative of the prisoner.

(5) Within 3 weeks of the case being listed, a party shall notify the Commissioners and the other party of the name, address and occupation of any person appointed in accordance with paragraph (1).

(6) Where the prisoner has not appointed a representative, the Commissioners may, with his consent, appoint an eligible person to act on his behalf.

(7) Where a party appoints a new representative or the name, address or occupation of his representative changes, he shall serve written notice giving details of the changes on the Commissioners and on the other party within 7 days of his appointing the new representative or becoming aware of the changes.

(8) A party may apply, in accordance with the procedure set out in rule 19(1) and (2), to be accompanied at the hearing by such other person or persons as he wishes, in addition to any representative he may have appointed; but before granting any such application the Commissioners shall obtain the agreement of:—

- (a) in the case where the hearing is to be held at a prison or other place of detention, the governor; and
- (b) in any other case, the person in whom is vested the authority to agree.

#### **General powers of the Commissioners**

6.—(1) Subject to the provisions of these Rules, the Commissioners may regulate their own procedure in dealing with each case as they consider appropriate.

(2) The Commissioners shall make available to the prisoner, to the Secretary of State, and to their representatives information regarding any procedures they adopt pursuant to paragraph (1).

(3) The Commissioners may deal with cases in the order they consider appropriate save that it shall so far as is practicable to do so, give priority to the consideration of cases where the person concerned is a recalled prisoner.