

SCHEDULES

SCHEDULE 4

Article 46.

THE PAROLE COMMISSIONERS

Appointment

- 1.—(1) The Secretary of State shall appoint Parole Commissioners.
- (2) The Secretary of State shall so far as reasonably practicable ensure that at any time—
 - (a) at least one of the Commissioners is a person who holds or has held judicial office in any part of the United Kingdom or who is—
 - (i) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing; or
 - (ii) an advocate or solicitor in Scotland of at least 10 years' standing; or
 - (iii) a person who has a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41);
 - (b) at least one is a registered medical practitioner who is a psychiatrist;
 - (c) at least one is a chartered psychologist;
 - (d) at least one is a person appearing to the Secretary of State to have knowledge and experience of the supervision or aftercare of discharged prisoners;
 - (e) at least one is a person appearing to the Secretary of State to have knowledge and experience of working with victims of crime; and
 - (f) at least one is a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) In sub-paragraph (2)—

“chartered psychologist” means a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists;

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (c. 54).
- (4) The Secretary of State shall appoint a Chief Commissioner from among the Commissioners.
- (5) The Secretary of State may appoint a deputy Chief Commissioner from among the Commissioners.

Tenure

2. A Commissioner—
 - (a) shall hold office in accordance with the terms of appointment; and
 - (b) may resign by notice in writing to the Secretary of State.
3. The Secretary of State may, after consultation with the Lord Chief Justice, dismiss a Commissioner if satisfied

- (a) that the Commissioner has without reasonable excuse failed to carry out any functions for a continuous period of 3 months beginning not earlier than 6 months before the day of dismissal;
- (b) that the Commissioner has been convicted of a criminal offence;
- (c) that a bankruptcy order has been made against the Commissioner, or the Commissioner's estate had been sequestrated, or the Commissioner has made a composition or arrangement with, or granted a trust deed for, the Commissioner's creditors; or
- (d) that the Commissioner is unable or unfit to carry out any functions of a Commissioner.

Rules

4.—(1) The Secretary of State may make rules with respect to the proceedings of the Commissioners.

(2) In particular rules may include provision—

- (a) for the allocation of proceedings to panels of Commissioners;
- (b) for the taking of specified decisions by a single Commissioner;
- (c) conferring functions on the Chief Commissioner or deputy Chief Commissioner;
- (d) about evidence and information, including provision—
 - (i) requiring the Commissioners to send to the Secretary of State copies of such documents as the rules may specify;
 - (ii) requiring the Secretary of State to provide specified information to the Commissioners;
 - (iii) for the giving of evidence by or on behalf of the Secretary of State, the Police Service of Northern Ireland and others;
 - (iv) about the way in which information or evidence is to be given;
 - (v) for evidence or information about a prisoner not to be disclosed to anyone other than a Commissioner if the Secretary of State certifies that the evidence or information satisfies conditions specified in the rules;
 - (vi) preventing a person from calling any witness without leave of the Commissioners;
- (e) for proceedings to be held in private except where the Commissioners direct otherwise;
- (f) preventing a person who is serving a sentence of imprisonment or detention from representing or acting on behalf of a prisoner;
- (g) permitting the Commissioners to hold proceedings in specified circumstances in the absence of any person, including the prisoner concerned and any representative appointed by the prisoner.

(3) Where a prisoner and any representative appointed by the prisoner are excluded from proceedings by virtue of sub-paragraph (2)(g), the Advocate General for Northern Ireland may appoint a person to represent the prisoner's interests in those proceedings

(4) A person appointed under sub-paragraph (3) shall not be responsible to the prisoner whose interests the person so appointed represents.

(5) Until section 27 of the Justice (Northern Ireland) Act 2002 (c. 26) comes into force, sub-paragraph (3) shall have effect as if the reference to the Advocate General for Northern Ireland were a reference to the Attorney General for Northern Ireland.

Remuneration and allowances

5.—(1) The Secretary of State shall pay to or in respect of a Commissioner such remuneration, fees and allowances as the Secretary of State thinks fit.

(2) If a Commissioner resigns in accordance with paragraph 2(b), the Secretary of State may pay the Commissioner compensation if in the Secretary of State's opinion special circumstances make it appropriate.

Staff, premises, etc.

6. The Secretary of State shall provide for the Commissioners the services of such staff, and the use of such premises and other facilities, as the Secretary of State thinks appropriate.

Annual report

7.—(1) The Chief Commissioner shall, as soon as reasonably practicable after the end of each financial year, make a report to the Secretary of State on the performance of the Commissioners' functions during the year.

(2) The Secretary of State shall lay a copy of the report before each House of Parliament.