

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Cross Heading: Removal of members from office is up to date with all changes known to be in force on or before 27 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

THE PAROLE BOARD

Modifications etc. (not altering text)

- C1** Ss. 1, 1A, 2(4), 3A, 5, 6(1)(a)(b)(i)(iii), 7, 9, 16, 20, 21, 26A, 27, Schs. 2, 6 extended (30.9.1998) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2)(a)(5)(a)(6)(7), **11(2)(a)(4)(a)(6)** (subject to art. 5) (as amended (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 paras. 135(5)(a)(d)(f)(6)(a)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(oo)** (subject to arts. 5-8))
- Ss. 1-3, 5, 6(1)(a)(b)(i)(iii), 9, 11-13, 15-21, 27, Schs. 2, 6 extended (1.10.1997) by 1997 c. 43, 56(1), Sch. 1 paras. 10(2)(5), 11(2)(4), Sch. 5 paras. 11(1)(3), 12(1); S.I. 1997/2200, **art. 2(1)(n)** (subject to art. 5 of the said S.I.) (which amendment fell (30.9.1998) by reason of the repeal of Sch. 5 paras. 11(1), 12(1) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)(3)(x)** (subject to arts. 5-8 of the said S.I.))

^{F1}Removal of members from office

Textual Amendments

- F1** Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, **art. 3(3)**

3 A member of the Parole Board may be removed from office by and only by order of the tribunal constituted by and under paragraph 3B below (“the tribunal”).]

^{F2}3A The tribunal may order the removal from office of a member only if, after investigation carried out at the request of the Scottish Ministers, it finds that the member is unfit for office by reason of inability, neglect of duty or misbehaviour.

Textual Amendments

- F2** Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by 2001 asp 7, s. 5(4) (with Sch. paras. 79-83); S.S.I. 2001/274, **art. 3(3)**

^{F3}3B The tribunal shall consist of the following three members, who shall be appointed by the Lord President of the Court of Session—

- (a) either a Senator of the College of Justice or a sheriff principal (who shall preside);
- (b) a person who is, and has been for at least ten years, legally qualified; and
- (c) one other person who shall not be legally qualified.

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Textual Amendments

F3 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by [2001 asp 7, s. 5\(4\)](#) (with [Sch. paras. 79-83](#)); [S.S.I. 2001/274, art. 3\(3\)](#)

F43C For the purposes of paragraph 3B above, a person is legally qualified if that person is an advocate or a solicitor.

Textual Amendments

F4 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by [2001 asp 7, s. 5\(4\)](#) (with [Sch. paras. 79-83](#)); [S.S.I. 2001/274, art. 3\(3\)](#)

F53D Regulations, made by the Scottish Ministers—

- (a) may make provision enabling the tribunal, at any time during an investigation, to suspend a member from office and providing as to the effect and duration of such suspension; and
- (b) shall make such further provision as respects the tribunal as the Scottish Ministers consider necessary or expedient, including provision for the procedure to be followed by and before it.

Textual Amendments

F5 Sch. 2 paras. 3-3D substituted for Sch. 2 para. 3 (8.10.2001) by [2001 asp 7, s. 5\(4\)](#) (with [Sch. paras. 79-83](#)); [S.S.I. 2001/274, art. 3\(3\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A(3A) inserted by [2019 asp 14 s. 51\(2\)](#)
- s. 3B inserted by [2019 asp 14 s. 51\(3\)](#)
- s. 3B(1)(a) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(a\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(i\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(ii\)](#)
- s. 3B(4)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(c\)](#)
- s. 3C-3E and cross-heading inserted by [2023 asp 4 s. 11\(2\)](#)
- s. 3AA(4)(aa) inserted by [2023 asp 4 s. 9\(4\)\(b\)\(ii\)](#)
- s. 3AA(7A) inserted by [2023 asp 4 s. 9\(4\)\(d\)](#)
- s. 3AB3AC inserted by [2023 asp 4 s. 9\(5\)](#)
- s. 11(3C)(3D) inserted by [2023 asp 4 s. 9\(6\)\(b\)](#)
- s. 12(3A) inserted by [2023 asp 4 s. 11\(3\)](#)
- s. 12AA(7) inserted by [2023 asp 4 s. 9\(8\)\(d\)](#)
- s. 12ZA inserted by [2023 asp 4 s. 11\(4\)](#)
- s. 16(2A) inserted by [2016 asp 1 s. 86\(4\)](#)
- s. 17(2A)(2B) inserted by [2023 asp 4 s. 10\(2\)](#)
- s. 17A(2B)(2C) inserted by [2023 asp 4 s. 10\(3\)\(a\)](#)
- s. 17B inserted by [2023 asp 4 s. 10\(4\)](#)
- s. 27(7A)(7B) inserted by [2023 asp 4 s. 8\(2\)\(b\)](#)