

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 October 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

Section 20(6).

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.))

Membership

- 1 The Parole Board shall consist of a [^{F1}chairperson] and not less than four other members appointed by the Secretary of State.

Textual Amendments

- F1** Word in **Sch. 2 para. 1** substituted (1.10.2020) by **Management of Offenders (Scotland) Act 2019 (asp 14)**, **ss. 45(2)(a)**, 63(2); S.S.I. 2020/283, reg. 2(j)

- [^{F2}1A In making those appointments, the Scottish Ministers shall comply with such requirements as to procedure and consultation as may be prescribed in regulations made by them.]

Textual Amendments

- F2** Sch. 2 paras. 1A, 1B inserted (27.7.2001) by **2001 asp 7, s. 5(2)** (with **Sch. paras. 79-83**); S.S.I. 2001/274, **art. 3(1)(e)**

- [^{F3}1B In making regulations under paragraph 1A above, the Scottish Ministers may make different provision for different kinds of members of the Board, including the kinds of members having the respective qualifications for office specified in paragraph 2 below.]

Textual Amendments

- F3** Sch. 2 paras. 1A, 1B inserted (27.7.2001) by **2001 asp 7, s. 5(2)** (with **Sch. paras. 79-83**); S.S.I. 2001/274, **art. 3(1)(e)**

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- 2 The Parole Board shall include among its members—
- ^{F4}(a)
 - ^{F5}(b)
 - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or aftercare of discharged prisoners; and
 - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.

Textual Amendments

- F4** Sch. 2 para. 2(a) repealed (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), ss. [42\(2\)\(a\)](#), 63(2); S.S.I. 2020/283, reg. 2(h)
- F5** Sch. 2 para. 2(b) repealed (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), ss. [42\(2\)\(b\)](#), 63(2); S.S.I. 2020/283, reg. 2(h)

[^{F6}Limitation, termination etc. of appointment of members

Textual Amendments

- F6** Sch. 2 paras. 2A-2J inserted (8.10.2001) by [2001 asp 7, s. 5\(3\)](#) (with [Sch. paras. 79-83](#)); S.S.I. 2001/274, [art. 3\(3\)](#)

- 2A An appointment as a member of the Parole Board shall, subject to paragraphs 2B to 2D below, last for [^{F7}the period of 5 years beginning with the date of appointment] specified in the instrument of appointment.

Textual Amendments

- F7** Words in [Sch. 2 para. 2A](#) substituted (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), ss. [43\(2\)](#), 63(2); S.S.I. 2020/283, reg. 2(i) (with [reg. 3](#))

- ^{F8}2B A member of the Parole Board may resign at any time by giving notice to that effect to the Scottish Ministers.

Textual Amendments

- F8** Sch. 2 paras. 2A-2J inserted (8.10.2001) by [2001 asp 7, s. 5\(3\)](#) (with [Sch. paras. 79-83](#)); S.S.I. 2001/274, [art. 3\(3\)](#)

- ^{F9}2C An appointment of a person as a member of the Parole Board shall not extend beyond the day when the person reaches the age of 75.

Textual Amendments

- F9** Sch. 2 paras. 2A-2J inserted (8.10.2001) by [2001 asp 7, s. 5\(3\)](#) (with [Sch. paras. 79-83](#)); S.S.I. 2001/274, [art. 3\(3\)](#)

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^{F10}2D The appointment of a member of the Parole Board shall come to an end upon the member's being removed from office under paragraph 3 below.

Textual Amendments

F10 Sch. 2 paras. 2A-2J inserted (8.10.2001) by [2001 asp 7, s. 5\(3\)](#) (with [Sch. paras. 79-83](#)); S.S.I. 2001/274, [art. 3\(3\)](#)

[^{F11}2DA (1) A person who has been a member of the Parole Board is eligible for appointment to the membership on a subsequent occasion.

- (2) The exception to this is where the person's membership has previously ceased by virtue of—
- (a) paragraph 2C, or
 - (b) paragraph 2D.]

Textual Amendments

F11 Sch. 2 para. 2DA inserted (31.12.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 44\(2\)](#), [63\(2\)](#); S.S.I. 2019/417, [reg. 3](#)

^{F12}2E

Textual Amendments

F12 Sch. 2 paras. 2E-2H repealed (31.12.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 44\(3\)](#), [63\(2\)](#); S.S.I. 2019/417, [reg. 3](#)

^{F12}2F

Textual Amendments

F12 Sch. 2 paras. 2E-2H repealed (31.12.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 44\(3\)](#), [63\(2\)](#); S.S.I. 2019/417, [reg. 3](#)

^{F12}2G

Textual Amendments

F12 Sch. 2 paras. 2E-2H repealed (31.12.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 44\(3\)](#), [63\(2\)](#); S.S.I. 2019/417, [reg. 3](#)

^{F12}2H

Textual Amendments

F12 Sch. 2 paras. 2E-2H repealed (31.12.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 44\(3\)](#), [63\(2\)](#); S.S.I. 2019/417, [reg. 3](#)

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[^{F13}Automatic reappointment

Textual Amendments

F13 Sch. 2 paras. 2HA, 2HB and cross-heading inserted (31.12.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\), ss. 44\(4\), 63\(2\); S.S.I. 2019/417, reg. 3 \(with reg. 3\)](#)

- 2HA (1) A member of the Parole Board is to be reappointed to the membership on the expiry of the period of the member's appointment, unless—
- (a) in any case, sub-paragraph (2) applies, or
 - (b) where the member is not the chairperson, sub-paragraph (3) applies.
- (2) This sub-paragraph applies if the member has declined to be reappointed.
- (3) This sub-paragraph applies if the Scottish Ministers have accepted a recommendation made to them by the chairperson that the other member should not be reappointed.
- (4) A recommendation of that kind may be made to the Scottish Ministers only if the chairperson is satisfied that—
- (a) the other member has failed to comply with any of the terms and conditions of membership by which the member is bound, or
 - (b) the number of members required for the Board to carry out its functions is such that the services of the other member are no longer needed.
- (5) The instrument of appointment of the member may be annotated or reissued so as to show that the member is reappointed under sub-paragraph (1).
- 2HB (1) Sub-paragraphs (2) and (3) apply in connection with paragraph 2HA(1).
- (2) The reference in paragraph 2HA(1) to the period of the appointment includes each period of reappointment under that paragraph.
- (3) In addition—
- (a) the provisions of paragraphs 1 to 2D apply in relation to reappointment under paragraph 2HA(1) as well as applying otherwise, and
 - (b) the references in paragraphs 1 to 2D to appointment are so far as necessary for this purpose to be read as including reappointment,
- which in particular means that reappointment is for 5 years at a time.]

Performance of duties

- ^{F14}2J The [^{F15}chairperson] of the Parole Board shall have regard to the desirability of securing that every member of the Parole Board is given the opportunity of participating appropriately in the functions of the Board under this Act on not fewer than 20 days in each successive period of 12 months beginning with the day of the member's appointment as such.]

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Textual Amendments

- F14** Sch. 2 paras. 2A-2J inserted (8.10.2001) by 2001 asp 7, s. 5(3) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(3)
- F15** Word in Sch. 2 para. 2J substituted (1.10.2020) by Management of Offenders (Scotland) Act 2019 (asp 14), ss. 45(2)(b), 63(2); S.S.I. 2020/283, reg. 2(j)

[^{F16}Exercise of chairperson's functions by other members

Textual Amendments

- F16** Sch. 2 para. 2K and cross-heading inserted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), ss. 41(2), 59(1)

- 2K (1) A function conferred on the chairperson of the Parole Board may be exercised by another member of the Parole Board in accordance with the scheme prepared under sub-paragraph (3).
- (2) Another member's being authorised by the scheme to exercise one of the chairperson's functions does not preclude the chairperson from exercising that function.
- (3) The chairperson must prepare a scheme that authorises another member, or members, to exercise the functions conferred on the chairperson.
- (4) The scheme—
- (a) must be framed so that a member is, or a combination of members are, authorised to discharge all of the chairperson's functions in the following circumstances—
 - (i) there is no chairperson,
 - (ii) the chairperson is unable to exercise the functions for any reason (for example due to ill health), and
 - (b) may be framed so that, outwith those circumstances, other members are authorised to discharge any, or all, of the chairperson's functions either at any time or in circumstances specified by the scheme.
- (5) The chairperson may modify the scheme at any time.
- (6) The Parole Board must make the scheme publicly available.
- (7) Only the chairperson may prepare and modify the scheme; accordingly, the references to the chairperson's functions elsewhere in this paragraph do not include the functions of preparing and modifying the scheme.]

^{F17}2L

Textual Amendments

- F17** Sch. 2 paras. 2K, 2L inserted (temp.) (7.4.2020) by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 17(1), sch. 4 para. 17(2) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 12(1))

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^{F18} Removal of members from office

Textual Amendments

F18 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”).]
- ^{F19}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

F19 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)

- ^{F20}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.

Textual Amendments

F20 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)

- ^{F21}3C For the purposes of paragraph 3B above, a person is legally qualified if that person is an advocate or a solicitor.

Textual Amendments

F21 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)

- ^{F22}3D 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.

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Textual Amendments

F22 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)

Remuneration and allowances

4 There shall be paid to the members of the Board such remuneration and allowances as the Secretary of State may ^{F23} . . . determine.

Textual Amendments

F23 Words in Sch. 2 para. 4 repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 110, Pt. IV; S.I. 1998/3178, art. 3

5 The expenses of the Board under paragraph 4 above and any other expenses incurred by the Board in discharging the functions mentioned in section 20(1) of this Act shall be defrayed by the Secretary of State.

Reports

6 The Board shall as soon as practicable after the end of each year make to the Secretary of State a report on the performance of its functions during that year, and the Secretary of State shall lay a copy of the report before Parliament.

[^{F24}Regulations

Textual Amendments

F24 Sch. 2 paras. 6A, 6B inserted (27.7.2001) by 2001 asp 7, s. 5(5) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(1)(e)

6A Regulations under paragraphs 1A and 3D above shall be made by statutory instrument.

^{F25}6B No such regulations shall be made unless laid in draft before, and approved by resolution of, the Scottish Parliament.]

Textual Amendments

F25 Sch. 2 paras. 6A, 6B inserted (27.7.2001) by 2001 asp 7, s. 5(5) (with Sch. paras. 79-83); S.S.I. 2001/274, art. 3(1)(e)

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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\(2\)\(b\)](#)