
STATUTORY INSTRUMENTS

2011 No. 2947

The Parole Board Rules 2011

PART 2

General

Referral of cases

4. Where the Board is to consider the release of a prisoner serving a determinate sentence, the release following a recall of a prisoner serving an indeterminate sentence or is to advise the Secretary of State, the case is deemed to be referred to the Board on the date it receives the information and reports specified in rule 7.

Appointment of panels

5.—(1) The Chairman shall appoint a single member of the Board to constitute a panel to deal with a case where the Board is to consider the initial release of a prisoner serving an indeterminate sentence.

(2) The Chairman shall appoint one or more members of the Board to constitute a panel to deal with a case where—

- (a) the case is to be heard in accordance with Part 4 of these Rules;
- (b) the Board is to consider the release of a prisoner serving a determinate sentence; or
- (c) the Board is under a duty to give advice to the Secretary of State.

(3) The Chairman shall appoint one member of each panel to act as chair of that panel.

(4) In respect of a hearing in the case of a prisoner serving a life sentence or a sentence during Her Majesty's pleasure—

- (a) an oral panel shall consist of or include a sitting or retired judge; and
- (b) the sitting or retired judge shall act as chair of the oral panel.

(5) A person appointed under paragraph (1) may not in the same case sit on a panel appointed under paragraph (2)(a).

Representation

6.—(1) Subject to paragraph (2), a party may be represented by any person appointed by the party.

(2) The following may not act as a representative—

- (a) any person who is detained or is liable to be detained under the Mental Health Act 1983(1);
- (b) any person serving a sentence of imprisonment;
- (c) any person who is on licence having been released from a sentence of imprisonment; or

- (d) any person with a conviction for an offence which remains unspent under the Rehabilitation of Offenders Act 1974⁽²⁾.
- (3) Within 5 weeks of a case being referred to the Board, a party shall notify the Board and the other party of the name, address and occupation of any person appointed to act as their representative.
- (4) Where a prisoner does not appoint a person to act as their representative, the Board may, with the prisoner's agreement, appoint a person to do so.

Service of information and reports

- 7.—(1) The Secretary of State shall serve on the Board and, subject to rule 8, the prisoner or their representative—
- (a) where a case relates to the initial release of a prisoner, the information specified in Part A of Schedule 1 to these Rules and the reports specified in Part B of that Schedule;
 - (b) where a case relates to the recall following release of a prisoner, the information specified in Part A of Schedule 2 to these Rules and the reports specified in Part B of that Schedule; and
 - (c) in either case, any other information which the Secretary of State considers relevant to the case.
- (2) Where the Board has a duty to advise the Secretary of State, the Secretary of State shall serve on the Board and, subject to rule 8, the prisoner or their representative, any information or reports which the Secretary of State considers relevant to the case.
- (3) The Secretary of State shall serve the information and reports mentioned in paragraph (1) within 8 weeks of the case being referred to the Board.

Withholding information or reports

- 8.—(1) The Secretary of State may withhold any information or report from the prisoner and their representative where the Secretary of State considers—
- (a) that its disclosure would adversely affect—
 - (i) national security;
 - (ii) the prevention of disorder or crime; or
 - (iii) the health or welfare of the prisoner or any other person; and
 - (b) that withholding the information or report is a necessary and proportionate measure in the circumstances of the case.
- (2) Where any information or report is withheld, the Secretary of State shall—
- (a) record it in a separate document;
 - (b) serve it only on the Board; and
 - (c) explain to the Board in writing why it has been withheld.
- (3) Where any information or report is withheld from the prisoner, the Secretary of State shall, unless the chair directs otherwise, serve it as soon as practicable on—
- (a) the prisoner's representative if the representative is—
 - (i) a barrister or solicitor;
 - (ii) a registered medical practitioner; or

(2) 1974 c.53.

- (iii) a person whom the chair directs is suitable by virtue of their experience or professional qualification; or
 - (b) a special advocate who has been appointed by the Attorney General to represent the prisoner's interests.
- (4) A prisoner's representative or a special advocate may not disclose any information or report disclosed in accordance with paragraph (3) without the consent of the chair.
- (5) Where the chair decides that any information or report withheld by the Secretary of State under paragraph (1) should be disclosed to the prisoner or their representative, the Secretary of State may withdraw the information or report.
- (6) If the Secretary of State withdraws any information or report in accordance with paragraph (5), nobody who has seen that information or report shall sit on a panel which determines the case.

Representations by and evidence of the prisoner

- 9.—(1) A prisoner who wishes to make representations to the Board shall serve them on the Board and the Secretary of State within 12 weeks of the case being referred to the Board.
- (2) Any documentary evidence that a prisoner wishes to present at their hearing shall be served on the Board and the Secretary of State at least 14 days before the date of the hearing.

Directions

- 10.—(1) Directions may be given, varied or revoked—
- (a) before the appointment of a panel, by a member of the Board; or
 - (b) after the appointment of a panel, by the chair.
- (2) Such directions may relate to—
- (a) the timetable for the proceedings;
 - (b) the service of information or a report;
 - (c) whether any information or report should be withheld;
 - (d) the submission of evidence;
 - (e) the attendance of a witness or observer.
- (3) Within 7 days of being notified of a direction under paragraph (2)(c), either party may appeal against that direction to the Chairman, who shall notify the other party of the appeal.
- (4) Within 7 days of being notified that a party has appealed under paragraph (3), the other party may make representations on the appeal to the Chairman.
- (5) A party may apply in writing for a direction to be given, varied or revoked.
- (6) An application under paragraph (5) shall—
- (a) specify any direction sought; and
 - (b) be served on the other party.
- (7) Where a party has applied in writing for a direction to be given, varied or revoked, either party may—
- (a) make written representations about the application;
 - (b) where the chair thinks it necessary, and subject to rule 11(4)(b), make oral submissions at a directions hearing.
- (8) The power to give directions may be exercised in the absence of the parties.

(9) The Board shall serve notice on the parties of any directions given, varied or revoked as soon as practicable.

Directions hearing

11.—(1) A chair may hold a directions hearing.

(2) A chair shall give the parties at least 14 days' notice of the date, time and place fixed for any directions hearing.

(3) A directions hearing shall be held in private.

(4) At a directions hearing, unless the chair directs otherwise—

- (a) the chair shall sit alone; and
- (b) a prisoner who is represented may not attend.

Adjournment

12.—(1) A chair may adjourn proceedings to obtain further information or for such other purpose as the chair considers appropriate.

(2) Where the chair adjourns a hearing without a further hearing date being fixed, the chair shall give the parties—

- (a) at least 3 weeks' notice of the date, time and place of the resumed hearing; or
- (b) such shorter notice period as the parties agree.

Panel decisions

13.—(1) Where a panel has been appointed under rule 5(2), a decision of the majority of the members of the panel shall be the decision of the panel.

(2) A panel that is unable to reach a decision in accordance with paragraph (1) shall be dissolved by the Chairman, who shall then appoint a new panel.

Disclosure of information

14. Information about the proceedings and the names of persons concerned in the proceedings shall not be made public.

Release without a hearing

15.—(1) Where the Secretary of State refers a case to the Board relating to a prisoner serving a determinate sentence, the Board may make a decision without a hearing.

(2) Where the Board has a duty to advise the Secretary of State with respect to any matter referred to it by the Secretary of State which is to do with the early release or recall of a prisoner, the Board may advise the Secretary of State without a hearing.