
STATUTORY INSTRUMENTS

2011 No. 2947

The Parole Board Rules 2011

PART 4

Proceedings with a hearing

General provision

- 19.**—(1) This Part of the Rules applies to hearings.
(2) Any reference in this Part of the Rules to a ‘panel’ is to an oral panel.

Notice of hearing

- 20.**—(1) The hearing shall be held within 26 weeks of a case being referred to the Board.
(2) When fixing the date of the hearing the panel shall consult the parties.
(3) Within 5 working days of a case being listed, the Board shall notify the parties of the date on which the case is due to be heard.
(4) The panel shall give the parties—
(a) at least 3 weeks’ notice of the date, time and place scheduled for the hearing; or
(b) such shorter notice as the parties agree.
(5) If applicable, the panel shall also give the parties notice that the hearing will be held via video link, telephone conference or other electronic means.

Notification of attendance by prisoner

- 21.** A prisoner who wishes to attend their hearing shall notify the Board and the Secretary of State within 23 weeks of the case being referred to the Board.

Witness

- 22.**—(1) A party who wishes to call a witness at a hearing shall make a written application to the Board, a copy of which shall be served on the other party, within 20 weeks of the case being referred to the Board.
(2) A written application to call a witness shall—
(a) include the witness’s name, address and occupation; and
(b) explain why the witness is being called.
(3) A chair may grant or refuse an application to call a witness and shall communicate this decision to the parties.
(4) The chair shall give reasons in writing for any refusal to call a witness.
(5) Where the panel intends to call a witness, the chair shall notify the parties in writing within 21 weeks of the case being referred to the Board.

(6) Written notification from the panel that it intends to call a witness shall—

- (a) include the witnesses's name, address and occupation; and
- (b) explain why the witness is being called.

(7) Where a witness is called under paragraph (1) or (5), it shall be the duty of the person calling the witness to notify the witness at least 2 weeks before the hearing of the date of the hearing and the need to attend.

Observer

23.—(1) A party who wishes to be accompanied by an observer shall make a written application to the panel, a copy of which shall be served on the other party, within 20 weeks of the case being referred to the Board.

(2) A chair may grant or refuse an application for a party to be accompanied by an observer and shall communicate this decision to the parties.

(3) Before granting an application under paragraph (2), the Board shall obtain the agreement—

- (a) where the hearing is being held in a prison, of the prison governor or prison director; or
- (b) in any other case, of the person who has the authority to agree.

Location and privacy of proceedings

24.—(1) Subject to paragraph (2), a hearing shall be held at the prison where the prisoner is detained or at such other place as the chair, with the agreement of the Secretary of State, directs.

(2) Where a hearing is held in accordance with paragraph (3), paragraph (1) shall not apply.

(3) A chair may direct that a hearing is to be held via video link, telephone conference or other electronic means.

(4) A hearing shall be held in private.

(5) In addition to any witness and observer whose attendance has been approved in accordance with rule 22 or 23, the chair may—

- (a) admit any other person to the hearing; and
- (b) impose conditions on that person's admittance.

(6) At the hearing the parties may not challenge the attendance of any witness or observer whose attendance has been approved pursuant to rule 22 or 23.

Hearing procedure

25.—(1) At the beginning of the hearing the chair shall—

- (a) explain the order of proceeding which the panel proposes to adopt; and
- (b) invite each party present to state their view as to the suitability of the prisoner for release.

(2) The panel—

- (a) shall avoid formality in the proceedings;
- (b) may ask any question to satisfy itself of the level of risk of the prisoner; and
- (c) shall conduct the hearing in a manner it considers most suitable to the clarification of the issues before it and to the just handling of the proceedings.

(3) The parties shall be entitled to—

- (a) take such part in the proceedings as the panel thinks fit;
- (b) hear each other's evidence;

- (c) put questions to each other;
 - (d) call a witness who has been granted permission to give evidence; and
 - (e) question any witness or other person appearing before the panel.
- (4) If, in the chair's opinion, any person at the hearing is behaving in a disruptive manner, the chair may require that person to leave.
- (5) The chair may permit a person who was required to leave under paragraph (4) to return on such conditions as the chair may specify.
- (6) A panel may produce or receive in evidence any document or information whether or not it would be admissible in a court of law.
- (7) No person shall be compelled to give any evidence or produce any document which they could not be compelled to give or produce on the trial of an action.
- (8) The chair may require any person present to leave the hearing where evidence which has been directed to be withheld from the prisoner or their representative is to be considered.
- (9) After all the evidence has been given, the prisoner shall be given an opportunity to address the panel.

The decision

- 26.**—(1) The panel's decision determining a case shall be—
- (a) recorded in writing with reasons;
 - (b) signed by the chair; and
 - (c) provided to the parties not more than 14 days after the end of the hearing.
- (2) The recorded decision shall refer only to the matter which the Secretary of State referred to the Board.