STATUTORY INSTRUMENTS

1967 No. 1462

PRISONS

ENGLAND AND WALES

The Local Review Committee Rules 1967

Made - - - -	*3rd October* 1967
Laid before Parliament	*11th October* 1967
Coming into Operation	*16th October* 1967

In pursuance of section 59(6) of the Criminal Justice Act 1967(a), I hereby make the following Rules:—

1.—(1) For every prison there shall be a local review committee to review in accordance with these Rules the cases of prisoners detained in the prison and to report to the Secretary of State on their suitability for release on licence under section 60 or 61 of the Criminal Justice Act 1967.

(2) The committee shall consist of the governor of the prison and not less than three other members appointed by the Secretary of State.

(3) The committee shall include among its members—

(*a*) a probation officer who is not a prison welfare officer;

(*b*) a member of the board of visitors or visiting committee of the prison;

(*c*) a person who is not a probation officer or a member of that board or committee;

and no member of the committee other than the governor of the prison shall be an officer of a prison.

(4) A person appointed to be a member of the committee shall hold and vacate office under the terms of his appointment, but may at any time resign his office; and a person who ceases to hold office as a member of the committee shall be eligible for reappointment.

(5) The governor of the prison may, subject to any directions of the Secretary of State, appoint another officer of the prison to represent him at any meeting of the committee.

2.—(1) The local review committee shall hold a meeting at least once a year for the purpose of making arrangements for the review of prisoners' cases in accordance with these Rules and at such a meeting the quorum shall be three.

(2) The review of a prisoner's case shall be conducted by a special meeting of the committee consisting of the governor of the prison (or his representative), one member who is a probation officer, one member who is a member of the board of visitors or visiting committee and one member who is not a probation officer or a member of that board or committee:

(a) 1967 c. 80.

Provided that the meeting may proceed to business notwithstanding the unexpected or unavoidable absence of any one person otherwise required to be present.

3.—(1) Before the local review committee review a prisoner's case a member of the committee other than the governor of the prison shall interview the prisoner if he is willing to be so interviewed.

(2) When a prisoner is interviewed he shall be given a reasonable opportunity to make any representations which he wishes to be considered by the committee.

(3) A member of the local review committee interviewing a prisoner shall make a report of the interview in writing and a copy of this report shall be sent to the Secretary of State with the committee's report on the prisoner's suitability for release on licence.

(4) The report of the interview of a prisoner shall be considered by the committee when reviewing his case.

4. Before the local review committee review a prisoner's case he shall be informed that he has the right to make written representations to the committee and any representations made under this Rule by a prisoner shall be considered by the committee when reviewing his case.

5. The local review committee shall review the case of any prisoner if directed to do so by the Secretary of State.

6.—(1) Subject to the provisions of this Rule, the local review committee shall review the case of a prisoner serving a sentence of imprisonment of two years or more, other than imprisonment for life, at some time before he becomes eligible for release on licence under section 60 of the Criminal Justice Act 1967 and subsequently at intervals of not less than 10 months or more than 14 months from the last review.

(2) Where a prisoner has been released on licence under section 60 of the Criminal Justice Act 1967 and has been recalled to prison under section 62 of that Act, the last foregoing paragraph shall not apply but his case shall be reviewed after an interval of not less than 10 months or more than 14 months from his recall and subsequently at similar intervals from the last review.

(3) Where a prisoner who is eligible for release on licence under section 60 of the Criminal Justice Act 1967 is received into a prison and his case has not been reviewed as required by this Rule, by reason of his absence from prison or otherwise, the committee shall review his case as soon as possible after his reception and his case shall be reviewed subsequently as provided by paragraph (1) of this Rule.

(4) This Rule shall not require the committee to review a prisoner's case until after the conclusion of—

(*a*) any proceedings against him in respect of a criminal offence or any offence against discipline ;

(*b*) any period of cellular confinement or restricted diet awarded in respect of an offence against discipline.

(5) The committee may postpone to a later date the review of a prisoner's case if they are satisfied that it is necessary to do so.

(6) Nothing in this Rule shall require the committee to review a prisoner's case if it appears to them that his sentence will expire or that, unless he forfeits remission, he will be released under section 25 of the Prison Act

1952(a) (remission) or section 60(3) of the Criminal Justice Act 1967 (release on licence in lieu of remission) within 16 months of the last review of his case by a local review committee.

(7) Where the committee are satisfied that a prisoner desires that his case should not be reviewed on any occasion when it would otherwise be reviewed, they shall not review his case but shall notify the Secretary of State accordingly, and the provisions of this Rule concerning subsequent reviews shall apply to him as if his case had been reviewed on that occasion.

7. The last foregoing Rule shall apply in relation to a prisoner detained under section 53 of the Children and Young Persons Act 1933(b) (young persons convicted of grave crimes), other than a prisoner sentenced to detention during Her Majesty's pleasure or for life, as it applies to a prisoner serving a sentence of imprisonment, subject, however, to the following exceptions and modifications:—

(*a*) for references in that Rule to a prisoner being eligible for release under section 60 of the Criminal Justice Act 1967 there shall be substituted references to a prisoner having been detained for one-third of his sentence or one year thereof whichever expires the later;

(*b*) for references in that Rule to release under section 60 of that Act there shall be substituted references to release under section 61 of that Act;

(*c*) that Rule shall not require a committee to review the case of a prisoner so detained if his case was last reviewed within 16 months of the date of expiration of his sentence; and

(*d*) paragraph (6) of that Rule shall not apply.

8.—(1) In these Rules the expression "governor" includes an officer for the time being in charge of a prison.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

9. These Rules may be cited as the Local Review Committee Rules 1967 and shall come into operation on 16th October 1967.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

3rd October 1967.

(a) 1952 c. 52. (b) 1933 c. 12. (c) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules establish a local review committee for each prison. These committees are given the duty of reviewing the cases of persons who are or will become eligible for release on licence under section 60 or 61 of the Criminal Justice Act 1967 and reporting to the Secretary of State on their suitability for release on licence. The Rules also provide for the interviewing of such persons by a member of the committee who is not a prison officer and make different provision for the timing of reviews for different classes of prisoner.