STATUTORY INSTRUMENTS

2024 No. 1011

PRISONS, ENGLAND AND WALES

The Parole Board (Amendment) Rules 2024

Made - - - -	*7th October 2024*
Laid before Parliament	*10th October 2024*
Coming into force - -	*1st November 2024*

The Secretary of State makes these Rules in exercise of the powers conferred by section 239(5) and 330(3) of the Criminal Justice Act 2003(**a**).

Citation, extent, commencement and interpretation

1.—(1) These Rules may be cited as the Parole Board (Amendment) Rules 2024.

(2) These Rules extend to England and Wales.

(3) These Rules come into force on 1st November 2024.

(4) In these Rules—

(a) "the 2019 Rules" means the Parole Board Rules 2019(**b**);

(b) "the 2024 Act" means the Victims and Prisoners Act 2024(**c**).

Amendments to the 2019 Rules

2.—(1) The 2019 Rules are amended as follows.

(2) In rule 4(3) (delegation and appointment of functions)—

(a) omit sub-paragraph (b);

(b in sub-paragraph (c), omit "in recall cases where the prisoner is serving a determinate sentence,";

(c) after sub-paragraph (c), insert—

"(d) the variation or revocation of any direction made under rule 6;

(e) the making of directions specified in rule 6(3), subject to rule 6(4);

(f) the adjournment or deferral of proceedings under rule 6(11);

(g) the alteration of a time limit under rule 9;

(h) the production of a summary under rule 27(1).

(**a**) 2003 c. 44.
(**b**) S.I. 2019/1038, to which there are relevant amendments in S.I. 2022/717, and S.I. 2023/397.
(**c**) 2024 c. 21.

(4) Where a staff member exercises a delegated function, either party may apply for an automatic re-exercise of that function by the panel chair or duty member within 14 days of the decision.

(5) An application under paragraph (4) may not be made in respect of functions delegated under sub-paragraph (3)(a) or (h).".

(3) In rule 6 (case management and directions), in paragraphs (3)(e) and (8)(b), omit "directions hearing or".

(4) In rule 7 (directions hearings and case management conferences)—

(a) in the heading, omit "Directions hearings and";

(b omit "directions hearings or" in each place it occurs.

(5) In rule 14 (observers)—

(a) in paragraph (1), for "12 weeks" substitute "8 weeks";

(b) in paragraph (4B), for "3 weeks" substitute "8 weeks".

(6) In rule 15(3) (public and private hearings and location), omit "directions hearing or".

(7) In rule 19 (consideration on the papers), after paragraph (1), insert—

"(1A) In relation to a prisoner to whom paragraph (1)(a) and section 31A(4E) of the 1997 Act applies, the panel must also consider whether they must direct the Secretary of State to release the prisoner unconditionally in accordance with section 31A(4F) of that Act.".

(8) In rule 20(2) (procedure after a provisional decision on the papers)—

(a) omit "receipt of";

(b) after "under rule 19(8)", insert " being sent".

(9) In rule 21 (decision on the papers after a direction for an oral hearing), after paragraph (7), insert—

"(7A) In relation to prisoner to whom paragraph (7)(a) and section 31A(4E) of the 1997 Act applies, the panel must also consider whether they must direct the Secretary of State to release the prisoner unconditionally in accordance with section 31(A)(4F) of that Act.".

(10) In rule 23 (notification by prisoner), omit paragraph (2).

(11) In rule 24 (oral hearing procedure)—

(a) after paragraph (1), insert—

"(1A) An oral hearing may take place in the absence of a prisoner, or the prisoner and the prisoner's legal representative, where the panel chair considers it is in the interests of justice.";

(b) in paragraph (4), omit "directions hearing or".

(12) In rule 25 (decision by a panel at an oral hearing), after paragraph (1), insert—

"(1A) In relation to a prisoner to whom paragraph (1)(a) and section 31A(4E) of the 1997 Act applies, the panel must also consider whether they must direct the Secretary of State to release the prisoner unconditionally in accordance with section 31A(4F) of that Act.".

(13) In rule 28 (reconsideration of decisions)—

(a) in paragraph (1), for "21(7), 25(1) or 31(6)(a) or (c) or (6A)" substitute "19(1A), 21(7), 21(7A), 25(1), 25(1A), 31(6) or 31(6A);

(b) in paragraph (3), substitute "provided" with "sent".

(14) In rule 29 (error of procedure), in paragraph (b), after "considers appropriate" insert ", but such directions or steps must not include the reconsideration of provisional decisions or the setting aside of final decisions, procedures for which are governed by rules 28 and 28A.".

(15) In rule 30(1) (slip rule)—

(a) omit "at any time";

(b) after "in a decision" insert " at any time until the end of the period of twelve weeks, beginning with the day on which the decision becomes final".

(16) In rule 31 (references to terminate IPP licences)—

(a) in paragraph (6)(b), at the beginning, insert "dismiss the reference, but";

(b) in paragraph (6A), for "31A(4B)" substitute "31(4F)";

(c) for paragraph (7)(b), substitute—

"be provided to the offender and the Secretary of State within 14 days.".

(d) in paragraph (7A), after "under paragraphs (6)," omit "(a), (6)(c)".

Timpson
Minister of State
Ministry of Justice

7th October 2024

EXPLANATORY NOTE

(This note is not part of the Rules)

Rule 2 of this instrument makes a number of amendments to the Parole Board Rules 2019, which set out the procedure to be adopted by the Parole Board ("the Board") in dealing with cases for release and termination of licences.

Paragraph (2) permits a new list of functions of the Board in parole cases to be delegated to Board staff by amending rule 4. Where a function being exercised is judicial in nature, a party will have liberty to apply to a duty member or the panel chair for that decision to be automatically re-taken, to ensure decisions which impact the procedural fairness of an offenders' parole proceedings can be reviewed by a member where a party considers it to be necessary.

Paragraphs (10) and (11) amend rules 23 and 24 to permit a panel chair to proceed with an oral hearing in the absence of either the prisoner, or the prisoner and the prisoner's legal representative, in any case, where it is in the interests of justice to do so.

Paragraph (16) amends rule 31 to reflect adjustments made by the Victims and Prisoners' Act 2024 ("the 2024 Act") to the imprisonment for public protection and detention for public protection licence termination regime.

This instrument also makes a number of minor amendments including-

- removing references to directions hearings, which are substantively the same as case management conferences;
- standardising the time frame for applications from those who wish to observe hearings to 8 weeks, to ensure the Board have time to consider and determine applications;
- clarifying that rule 29 does not provide an avenue for correcting errors to which rules 28 or 28A apply;
- restricting slip rule corrections to the period of up to 12 weeks after a decision becomes final;
- updating legislative references to the victims' code to reflect changes made by the 2024 Act;
- adjusting the deadline for applying for an oral hearing after a no-release decision, and for making reconsideration applications, for the time frames to run from the day the Board send the decision to the parties, rather than the day the parties receive the decision.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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