STATUTORY INSTRUMENTS

2025 No. 1231

PRISONS, ENGLAND AND WALES

The Parole Board (Amendment) Rules 2025

Made - - - -	*24th November 2025*
Laid before Parliament	*25th November 2025*
Coming into force - -	*16th December 2025*

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

Citation, commencement and extent

1.—(1) These Rules may be cited as the Parole Board (Amendment) Rules 2025.

(2) Subject to paragraph (3), these Rules come into force on 16th December 2025.

(3) Rule 2(11) comes into force at the same time as sections 61 and 62 of the Victims and Prisoners Act 2024 (**b**) come into force.

(4) These Rules extend to England and Wales.

Amendments to the Parole Board Rules 2019

2.—(1) The Parole Board Rules 2019 (**c**) are amended as follows.

(2) In rule 2 (Interpretation), after the definition of "solicitor" insert—

> ""victim" means a victim for the purposes of the Code of Practice for Victims of Crime in England and Wales (Victims' Code) under section 2 of the Victims and Prisoners Act 2024 unless otherwise provided;".

(3) In rule 4(3) (delegation and appointment of functions), after sub-paragraph (h) insert—

> "(i) the making of directions under rule 6 so far as relating to whether to permit a third party observer to read out a Victim Personal Statement on behalf of a victim;
>
> (j) the making of directions whether to hold case management conferences under rule 7 for the purposes of exercising the functions delegated under this rule;
>
> (k) the determination of an application made under rule 14(1) (for a party to be accompanied by an observer to an oral hearing) or rule 14(4B) (for admittance to an oral hearing as an observer).".

(**a**) 2003 c. 44.
(**b**) 2024 c. 21.
(**c**) S.I. 2019/1038, to which there are relevant amendments in S.I. 2022/717, S.I. 2023/397, and S.I. 2024/1011.

(4) In rule 6 (case management and directions)—

(a) in paragraph (3), after sub-paragraph (e), insert—

"(f) withholding information or reports from witnesses or other hearing attendees except where this falls to be considered under rule 17.".

(b) in paragraph (4), after "reports" insert "from the prisoner (and the prisoner's representative where relevant)".

(5) In rule 14 (observers), for paragraph (4C) substitute—

"(4C) On receipt of an application under paragraph (4B) the Board must—

(a) inform the parties that the application has been made;

(b) provide an opportunity for the parties to make representations to the Board on the application, and

(c) specify that any representations must be made within 14 days of notification by the Board.

(4D) Where a victim makes an application to the Board to observe an oral hearing, the panel chair or duty member must direct that the victim may attend the hearing as an observer unless the panel chair or duty member considers it is necessary in the interests of justice, to effectively manage the case or for other appropriate reasons, to refuse the application.

(4E) Where the decision taken under paragraph (4D) is that a victim may not attend the oral hearing, the panel chair or duty member must provide written reasons for the refusal.".

(6) In rule 17 (withholding information or reports)—

(a) in paragraph (1), omit—

(i) "and any third party authorised by the Secretary of State ("authorised third party")";

(ii) "or the authorised third party";

(b) in paragraph (3), omit—

(i) "or the authorised third party";

(ii) "or authorised third party";

(c) for paragraph (4) substitute—

"(4) On receipt of an application under paragraph (3), either a panel chair or duty member appointed for that purpose must consider the application and in considering the application may make directions as necessary to enable determination of the application, including directions to—

(a) resolve any preliminary issues or questions about the application before making a decision on the application, including by directing a case management conference under rule 7 to resolve any such issues, and

(b) make directions under rule 6 in relation to the service of additional evidence, information or reports regarding the application made under paragraph (3)(b) but only in relation to material required under rule 16.";

(d) after paragraph (4), insert—

"(4A) Any additional evidence, information or reports directed to be served under paragraph (4)(c) which are served before the panel chair or duty member makes a decision on the application are to be considered under the original application made under paragraph (3) and do not require a further application by the Secretary of State.

(4B) If the panel chair or duty member directs that any additional evidence, information or reports are to be served after the decision on an application under paragraph (3) has been made under paragraph (5), other than additional evidence, information or reports directed to be served following an appeal under paragraph (11), a new application by the Secretary of State is required under paragraph (1) if the Secretary of State considers that the material should be withheld under paragraph (1).";

(e) in paragraph (5), for sub-paragraphs (5)(b) and (c) substitute—

"(b) withheld from the prisoner but—

(i) served on their representative (if applicable) in full, subject to any undertaking required under paragraph (7)(b), and

(ii) disclosed to the prisoner in the form or a summary of redacted version, or

(c) withheld from the prisoner and their representative (if applicable), but disclosed to them in the form of a summary or redacted version.";

(f) in paragraph (6), omit—

(i) "or authorised third party";

(ii) ", or the Board (where an authorised third party made the application under paragraph (3)),";

(g) in paragraph (7)—

(i) omit "or authorised third party";

(ii) in sub-paragraph (b) for "other representatives also responsible for that prisoner's case" substitute "other legal professionals also responsible for working on that prisoner's case together with the representative";

(h) after paragraph (7), insert—

"(7A) Where the representative who has given an undertaking to the Board under paragraph (7)(b) ceases to represent the prisoner, any information that has been withheld from the prisoner by the panel chair or duty member under paragraph (5)(b) or (c) must not be shared with any new representative unless the new representative makes an undertaking not to disclose the material to the prisoner or any other person under paragraph (7)(b).";

(i) in paragraph (8), for sub-paragraphs (a) and (b) substitute—

"(a) is considering the application and directions under paragraph (5);

(b) makes a direction under paragraph (5)(a) and the Secretary of State appeals the direction under paragraph (11), or

(c) makes a direction under paragraph (5)(b) or (c) that relates to both a prisoner and their representative, or relates to the prisoner in circumstances where the prisoner does not have a representative.";

(j) in paragraph (9), omit "or authorised third party";

(k) in paragraph (11), omit "or the authorised third party";

(l) in paragraph (12), omit "or authorised third party" in both places it occurs;

(m) after paragraph (14A), insert—

"(14AB) Any additional evidence, information or reports directed to be served by the panel chair or duty member to make a decision on the appeal are to be considered under

the original application made under paragraph (3) and do not require a further application from the Secretary of State.";

(n) in paragraph (14C)—

(i) omit the words from ", or the Board" to "paragraph (11)),";

(ii) after "the prisoner's representative (if applicable)" insert "and the special advocate (if one has been appointed)";

(o) in paragraph (14D)—

(i) for "consent to" substitute "reconsider";

(ii) for the words from "provided that" to the end, substitute "under paragraph (5), and any direction to disclose the material under paragraph (5)(a) is subject to a separate right of appeal under paragraph (11).";

(p) after paragraph (14D) insert—

"(14E) Where the proceedings before the Board have been determined, the panel chair or duty member may, at a later date, consider an application from a representative for the undertaking to be removed, but the undertaking may only be removed where—

(a) the Secretary of State consents, or

(b) the Board finds that the reasons for which it previously determined under paragraph (5) that the material could not be disclosed to the prisoner no longer exist.

(14F) Where the Board directs that an undertaking may be removed under paragraph (14E)(b), that decision is subject to a separate right of appeal under paragraph (11).";

(q) in paragraph (15)—

(i) in sub-paragraph (c), for "consenting to" substitute "directing";

(ii) omit "or authorised third-party" in both places it occurs.

(7) After rule 17 insert—

"Function of Special Advocates

17A.—(1) Where a special advocate has been appointed under rule 17(8) it is their function to represent the best interests of the prisoner by—

(a) making submissions to the panel in any oral hearings from which the prisoner and the prisoner's representative are excluded;

(b) adducing evidence and cross-examining witnesses at any such hearings;

(c) making applications to or seeking directions from the panel or duty member where necessary, and

(d) making written submissions to the panel, including whether material withheld under rule 17(5) should be disclosed in full or in a summary or redacted version.

Special Advocates: communicating about proceedings

17B.—(1) The special advocate may communicate with the prisoner or prisoner's representative at any time before the Secretary of State serves the material on the special advocate.

(2) Once the material has been served on the special advocate, the special advocate may not communicate directly or indirectly with any person, including the prisoner or the prisoner's representative, about any matter connected with the case before the panel, except

in accordance with paragraph (3) or in accordance with a direction from the duty member or panel pursuant to a request under paragraph (4).

(3) The special advocate may, without directions from the duty member or panel chair, communicate about the case before the panel with—

(a) the Parole Board;

(b) the Secretary of State;

(c) any other person, except for the prisoner and their representative, with whom it is necessary for administrative purposes for the special advocate to communicate about matters not connected with the substance of the case before the panel.

(4) The special advocate may request directions from the duty member or panel chair authorising the special advocate to communicate with the prisoner or their representative or with any other person.

(5) Where the special advocate makes a request for directions under paragraph (4)—

(a) the Board must notify the Secretary of State of the request, and of the content of the proposed communication and the form in which it is proposed to be made, and

(b) the Secretary of State must, within a period specified by the Board, file with the Board and serve on the special advocate notice of any objection which the Secretary of State has to the proposed communication, or to the form in which it is proposed to be made.

(6) Paragraph (2) does not prohibit the prisoner from communicating with the special advocate after the Secretary of State has served material on the special advocate as mentioned in paragraph (1), but—

(a) the prisoner may only communicate with the special advocate through a representative in writing, and

(b) the special advocate must not reply to the communication other than in accordance with directions of the Board, except that he may without such directions send a written acknowledgment of receipt to the appellant's representative.

Written determinations in proceedings involving withheld material

17C.—(1) If the Board proposes, in the determination of any proceedings involving material that has been withheld from the prisoner and the prisoner's representative, to serve a single written decision on the parties, it must serve notice on the Secretary of State of its intention to do so before it serves any such decision on the prisoner and the prisoner's representative.

(2) The Secretary of State may apply for the terms of the decision to be amended within 5 days of being served with notice under paragraph (1) if the Secretary of State considers that the terms of the decision would cause information to be disclosed and that such disclosure would be damaging to the interests provided for in rule 17(1).

(3) Where the Secretary of State makes an application under paragraph (2), the Secretary of State must at the same time serve on the special advocate—

(a) a copy of the application, and

(b) a copy of the notice served on the Secretary of State pursuant to paragraph (1).

(4) The Board must not serve a written decision on the prisoner or prisoner and their representative (where applicable) before the time for the Secretary of State to make an application under paragraph (2) has expired.

(5) If an application is not made within the period provided for in paragraph (2), the Board must, within a reasonable time, serve on the parties a written determination containing its decision and, if and to the extent that it is possible to do so without disclosing information contrary to the interests provided for in rule 17(1), the reasons for it.

(6) Where the determination under paragraph (5) does not include the full reasons for its decision, the Board must serve on the Secretary of State and the special advocate a separate decision including those reasons.

(7) Where the Board serves a separate decision under paragraph (6), the special advocate may apply to the Board to amend that determination and the determination under paragraph (6) on the grounds that the separate determination contains material the disclosure of which would not be contrary to the interests provided for in rule 17(1).

(8) The special advocate must serve a copy of any application under paragraph (7) on the Secretary of State.

(9) The Board must give the special advocate and the Secretary of State an opportunity to make representations on the application made by the special advocate under paragraph (7) and may determine the application under paragraph (7) with or without an oral hearing.".

(8) In rule 19 (consideration on the papers), before paragraph (1A) insert—

"(1ZA) Where a panel considers a case—

(a) concerning a recall of a fixed term prisoner,

(b) where a prisoner is under investigation for a new criminal offence, or has been charged with a new criminal offence, or

(c) where a prisoner has an automatic release date which is imminent, making it impractical to hold a hearing,

the case must not be directed to an oral hearing unless the panel is of the opinion that there are exceptional circumstances to justify an oral hearing.".

(9) In rule 27 (summaries and disclosure)—

(a) for the heading substitute "Disclosure of the reasons for a decision or recommendation";

(b) in paragraph (1)—

(i) omit "a summary of" in each place it occurs;

(ii) after "why", for "a summary" substitute "the reasons for a decision".

(c) in paragraphs (2) to (4), for "a summary", in each place it occurs, substitute "the reasons for a decision";

(d) after paragraph (4), insert—

"(4A) The Board may produce the reasons for a decision under paragraph (1) for disclosure by way of—

(a) a summary, or

(b) a redacted decision.".

(10) In rule 28A (setting aside final decisions)—

(a) in paragraph (1)—

(i) after "final decision" insert "that a prisoner is suitable for release";

(ii) omit "(a) or (b)";

(b) omit paragraph (4)(a);

(c) for paragraph (5) substitute—

"(5) An application or initiation to set aside a decision under paragraph (1) must be made before the prisoner is released.".

(11) After rule 31, insert—

"PART 5

Referral of release decisions to the High Court

Procedural requirements for the parole referral mechanism

32.—(1) Where the Secretary of State directs the Board to refer a release decision to the High Court under section 32ZAA of the Crime (Sentences) Act 1997(**a**) or section 256AZBA of the Criminal Justice Act 2003, the referral must be made to the High Court in accordance with the procedure set out in the Civil Procedure Rules.

(2) Where the Board receives a direction for the referral of a prisoner's release decision to the High Court under paragraph (1), the Board must make the referral within two working days of receiving the Secretary of State's direction.".

(12) In Part B of the Schedule, after paragraph 8 insert—

"9. In this Part, "victim" has the same meaning as under rule 27 of these Rules.".

Amendments to the Parole Board (Amendment) Rules 2024

3.—(1) The Parole Board (Amendment) Rules 2024(**b**) are amended as follows.

(2) In rule 1, omit paragraph (4)(b).

(3) In rule 2, for paragraph (13)(b) substitute—

"(b) in paragraph (3) for "provided" substitute "sent".".

Signed by authority of Secretary of State

Levitt
Parliamentary Under-Secretary of State
Ministry of Justice

24th November 2025

(**a**) 1997 c. 43.
(**b**) S.I. 2024/1011.

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 (S.I. 2019/1038), which set out the procedure to be adopted by the Parole Board ("the Board") when dealing with cases for release and termination of licences.

Paragraph (2) amends rule 2 by inserting a definition for "victim".

Paragraph (3) inserts three functions to the list of functions of the Board in parole cases to be delegated to Board staff by amending rule 4.

Paragraph (4) amends rule 6 to enable a panel chair or duty member to make directions to withhold evidence from disclosure.

Paragraph (5) amends rule 14(4C) by including a time-frame in which a party can make representations in response to an application to admit a person to an oral hearing as an observer under paragraph (4A) of rule 14. It also inserts new paragraphs (4D) and (4E) creating a presumption that an application made by a victim to observe an oral hearing will be granted unless to do so would be contrary to the interests of justice, and a requirement for the Board chair or a duty member to provide written reasons where a victim's application to observe an oral hearing is refused.

Paragraph (6) amends rule 17 by removing the power for authorised third parties to make applications to withhold material from the prisoner. It also makes clear that where an application has been made by the Secretary of State to withhold material from the prisoner (and their representative, if applicable) the Parole Board may direct the appointment of a Special Advocate to represent the prisoner's best interests before the decision on whether the material is held, rather than only after a decision to withhold has been made. Paragraph (6) also inserts new paragraph (7A) into rule 17 in order to make clear that new representatives who take over a case from a previous representative are unable to receive material that has been withheld from the prisoner unless they give a new undertaking under the rule to not share the material with the prisoner. It also inserts new paragraph (14E) into rule 17 to provide that an undertaking to the Board not to share material with the prisoner cannot be removed once the proceedings before the Board have been determined unless the Secretary of States give their consent or the Board finds that the reasons for the material being withheld no longer exist. The Board's determination is subject to a right of appeal by the Secretary of State.

Paragraph (7) inserts new rules 17A, 17B and 17C which set out in detail the specific function of special advocates when appointed by the Board under rule 17, the way in which special advocates may communicate with the prisoner and with other relevant parties to the proceedings, and the way in which written determinations of decisions involving material withheld from the prisoner must be shared with the Secretary of State prior to being served on the prisoner and their representative in order to ensure that information is not disclosed contrary to national security, the prevention of disorder or crime, or the health or welfare of the prisoner or any other person.

Paragraph (8) inserts a new paragraph (1ZA) which creates a presumption that, where a panel considers on the papers under rule 19 of the Parole Board Rules 2019 relating to the recall of prisoners serving standard determinate sentences, cases where prisoners has committed a new offence, or cases where a prisoner's automatic release date is imminent making it impractical to hold an oral hearing, the prisoner is not permitted to apply for an oral hearing to determine their

case. However, a panel is able to depart from this starting point and direct that the case should be directed to an oral hearing where there are exceptional circumstances to justify it.

Paragraph (9) amends rule 27(1) to (4) to enable the Board chair to produce a redacted decision letter instead of a summary of the reasons for a decision or recommendation, and inserts a new paragraph (4A) which makes clear that, when the Board is asked to produce the reasons for a decision or recommendation, it may do so by producing either a redacted decision letter or producing a summary of the decision, and gives the Board chair a discretion to determine that a redacted decision letter should be produced where a victim or other person makes an application for the disclosure of a decision under rule 27(1). Paragraph (4A) amends rule 27(4) by inserting a definition for "a redacted decision letter".

Paragraph (10) removes the ground of error of law or fact as a basis to set aside and amends the timeframe for application or initiation to set aside decisions to release. Decisions not to release are no longer eligible to be set aside.

Paragraph (11) makes provision for procedural requirements in relation to the new parole referral mechanism in sections 61 and 62 of the Victims and Prisoners Act 2024 (c. 21) which allow the Secretary of State to refer cases to the High Court for a fresh release decision following a release decision by the Parole Board.

Paragraph (12) amends Part B of the Schedule by inserting a definition for "victim" under that Part.

Rule 3 of this instrument makes minor amendments to the Parole Board (Amendment) Rules 2024.

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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