This Statutory Instrument has been made in consequence of a defect in S.I. 2025/1231 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2026 No. 129

PRISONS, ENGLAND AND WALES

The Parole Board (Amendment) Rules 2026

Made - - - -	*11th February 2026*
Laid before Parliament	*12th February 2026*
Coming into force - -	*5th March 2026*

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 2026.

(2) These Rules come into force on 5th March 2026.

(3) These Rules extend to England and Wales.

Amendments to the Parole Board Rules 2019

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

(2) In rule 19 (consideration on the papers), for paragraph (1ZA) substitute—

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

(a) where a prisoner is under investigation for a new criminal offence which is relevant to the prisoner's risk,

(b) where a prisoner has been charged with a new criminal offence which is relevant to the prisoner's risk and the charge has not yet been resolved, or

(c) where a fixed-term 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.".

(3) In rule 20 (procedure after a provisional decision on the papers), after paragraph (5) insert—

"(5A) Where the case is one in which—

(**a**) 2003 c. 44.
(**b**) S.I. 2019/1038; relevant amendments are S.I. 2022/717, S.I. 2024/1011, and S.I. 2025/1231.

(a) a prisoner is under investigation for a new criminal offence which is relevant to the prisoner's risk,

(b) a prisoner has been charged with a new criminal offence which is relevant to the prisoner's risk and the charge has not yet been resolved, or

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

a duty member making a decision under paragraph (5) must not direct the case to an oral hearing unless the duty member is of the opinion that there are exceptional circumstances to justify an oral hearing.".

Signed by the authority of the Secretary of State

Levitt
Parliamentary Under-Secretary of State
Ministry of Justice

11th February 2026

EXPLANATORY NOTE

(This note is not part of the Rules)

Rule 2 of this instrument makes two amendments to the Parole Board Rules 2019 (S.I. 2019/1038), which set out the procedure to be adopted by the Parole Board when dealing with cases for release and termination of licences.

Paragraph (2) substitutes paragraph (1ZA) of rule 19 with a new paragraph (1ZA). This new paragraph creates the presumption that the panel should make a decision on the papers where prisoners are under investigation for new criminal offences, charged with a new criminal offence which is relevant to their risk, or where the imminence of the automatic release date makes it impractical to hold an oral hearing. However, the 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 (3) amends rule 20 by providing that the same presumption should apply when a panel member makes decisions about whether a case should be determined at an oral hearing on receipt of an application under rule 20.

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