SCOTTISH STATUTORY INSTRUMENTS

2026 No. 82

PRISONS

The Parole Board (Scotland) Amendment Rules 2026

Made - - - -	*12th February 2026*
Laid before the Scottish Parliament	*13th February 2026*
Coming into force - -	*25th March 2026*

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 20(4) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(**a**) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) These Rules may be cited as the Parole Board (Scotland) Amendment Rules 2026 and come into force on 25 March 2026.

(2) These Rules apply to every case referred by the Scottish Ministers to the Parole Board for Scotland on or after 25 March 2026.

Amendment of the Parole Board (Scotland) Rules 2022

2.—(1) The Parole Board (Scotland) Rules 2022(**b**) are amended as follows.

(2) For rule 11, substitute—

> **"Matters to be taken into account**
>
> **11.**—(1) In considering a case, the panel must take into account the likely impact of any of its decisions on the safety and security of any victim or of any family member of a victim.
>
> (2) In its consideration of the case, the panel may also take into account any matter which it considers to be relevant to the case, including—
>
> (a) the nature and circumstances of any offence of which the person concerned has been convicted or found guilty by a court,
>
> (b) the conduct of the person concerned over the duration of their current sentence or sentences,

(**a**) 1993 c. 9. Section 20(4) was amended by paragraph 106 of schedule 8 of the Crime and Disorder Act 1998 (c. 37), section 5(1)(b) of the Convention Rights Compliance (Scotland) Act 2001 (asp 7) and section 55(2)(a) of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 (asp 12) ("the 2025 Act"). Subsections (4AA) and (4AB) were inserted by sections 55 and 56 of the 2025 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2022/385.

(c) the risk of the person concerned committing any offence or causing harm to any other person if that person were to be released on licence, remain on licence or be re-released on licence (as the case may be),

(d) what the person concerned intends to do if released on licence, permitted to remain on licence, or re-released (as the case may be), and the likelihood of that person fulfilling those intentions,

(e) the effect on the safety and security of any other person (including in particular any family member of the person concerned), were the person concerned to be released on licence, remain on licence, or be re-released on licence (as the case may be).

(3) In this rule, "victim" means a person against or in respect of whom an offence has been committed by the person concerned.

(4) Paragraph (1) does not oblige the panel to seek supplementary information relative to a victim or family members of a victim.".

(3) For rule 12, substitute—

"Additional matter to be taken into account in certain cases

12.—(1) This rule applies to a case where—

(a) the person concerned is serving a sentence imposed following a conviction for murder or culpable homicide imposed by a court in Scotland, or for an equivalent offence imposed by a court elsewhere in the United Kingdom, and

(b) the victim's remains have not been recovered.

(2) Where this rule applies the panel must, when making any decision as to the release of the person concerned (other than a decision as to release under section 3A(4) or 17(4) of the 1993 Act) take into account whether—

(a) there are reasonable grounds to believe that the person concerned has information about how or where the victim's remains were disposed of, and

(b) the person concerned has not disclosed that information.

(3) In this rule, "victim" means any victim of the offence for which the sentence mentioned in paragraph (1)(a) was imposed.".

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew's House,
Edinburgh
12th February 2026

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Parole Board (Scotland) Rules 2022 ("the 2022 Rules"). These Rules apply to all cases referred to the Parole Board for Scotland ("the Board") from 25 March 2026.

Rule 2(2) substitutes a new rule 11 into the 2022 Rules to introduce a requirement that the panel of the Board considering a case must take into account the safety and security of any victim of the person concerned (the person concerned is the person whose case is being considered by the Board) or a victim's family member when making any decision in a case. This is in addition to matters set out which the panel may take into account when considering a case. These were all matters which the panel may have taken into account under the previous rule 11. Rule 2(2) implements the requirement placed on the Scottish Ministers by section 20(4AB) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act"). That requirement is, that when exercising the rule making power under section 20(4) of the 1993 Act, the Scottish Ministers must include provision to the effect of rule 11(1).

Rule 2(3) substitutes a new rule 12 into the 2022 Rules to require the panel of the Board to take into account when making a decision as to release, that, in a case in which the person concerned has been convicted for murder or culpable homicide and the victim's remains have not been recovered, the person concerned has not disclosed information about how and where the victim's remains were disposed of. This rule applies when there are reasonable grounds to believe the person concerned has such information. The previous rule 12 provided that the panel may take this matter into account when deciding on the release of the person. Rule 2(3) implements the requirement placed on the Scottish Ministers by section 20(4AA) of the 1993 Act, which requires the Scottish Ministers to include such a provision when exercising the rule making power under section 20(4) of the 1993 Act.

Subsections (4AA) and (4AB) were inserted into section 20 of the 1993 Act by sections 55 and 56 of the Victims, Witnesses and Justice Reform (Scotland) Act 2025. Sections 55 and 56 were commenced in S.S.I. 2025/393 (as amended by S.S.I. 2026/66 (C. 3)) and came into force on 11 February 2026.

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