

Extract from:
The Parole Board Rules 2019 (as amended)

Observers

14.—

(1) A party who wishes to be accompanied at an oral hearing by an observer must make a written application to the Board but such an application may not be made later than 8 weeks before the date allocated for the oral hearing under rule 22.

(2) A party who makes an application to be accompanied by an observer under paragraph (1) must, at the same time, also serve a copy of the application on the other party.

(3) Within 14 days of the receipt of the application under paragraph (2), the other party may make representations to the Board on the application.

(4) After the 14-day period for the other party to make representations under paragraph (3) has expired, the panel chair or duty member must determine the application for a party to be accompanied by an observer and communicate this decision to the parties, including any conditions to be imposed on the observer's admittance.

(4A) Where an oral hearing, or part of it, is to be held in private under rule 15, in addition to any witness who has been called under these Rules, and any observer whose attendance has been approved under paragraph (4), the panel chair or duty member may—

(a) admit any other person to the oral hearing as an observer, and

(b) impose conditions on that person's admittance.

(4B) Any person may request admittance to an oral hearing as an observer under paragraph (4A)(a) by making a written application to the Board, but such an application may not be made later than 8 weeks before the date allocated for the oral hearing under rule 22.

(4C) On receipt of an application under paragraph (4B) the Board must inform the parties that the application has been made, and must provide an opportunity for the parties to make representations to the Board on the application.

(5) Before admitting any person to attend an oral hearing as an observer at a prison or other premises where the panel chair or duty member has no authority to agree the admittance of that person, the panel chair or duty member must obtain the agreement of the prison governor, prison director or other person who appears to have the authority to agree to such admittance.



Public and private hearings and locations

15.—

(1) An oral hearing must be held via video link, telephone conference or other electronic means if the duty member or panel chair so directs.

(2) In any other circumstance, the oral hearing must be held at such a place as the duty member or panel chair, with the agreement of the Secretary of State, directs.

(3) An oral hearing (including a case management conference) must be held in private unless the Board chair considers, on their own initiative or on an application to the Board, that it is in the interests of justice for the oral hearing to be held in public.

(3A) Any application for an oral hearing to be held in public under paragraph (3) may not be made later than 12 weeks before the date allocated for the oral hearing.

(3B) If an oral hearing is held in public, the panel chair or duty member may give a direction that part of the oral hearing is to be held in private.

(4) ...

(5) At the oral hearing, the parties may not challenge the attendance of any witness who has been called under these Rules, or observer whose attendance has been approved under rule 14.

Summaries and disclosure

27. –

(1) Where a victim or any other person seeks disclosure of a summary of the reasons for a decision or recommendation—

(a) made under rule 19(1)(a), 19(2), 21(7), 21(10), 25(1), 25(4) or 31(6);

(b) made under rule 19(1)(b) where a prisoner does not make an application for an oral hearing under rule 20(1), or a prisoner makes an application for an oral hearing but it is decided that the case should not be considered at an oral hearing under rule 20(6),

the Board must produce a summary of the reasons for that decision or recommendation, unless the Board chair considers that there are exceptional circumstances why a summary should not be produced for disclosure.

(2) The Board is not required to produce a summary under paragraph (1) where the request is made more than 6 months after the decision or recommendation.

(3) Where a victim seeks disclosure of a summary produced under paragraph (1), the Secretary of State must notify the Board that the victim wishes to receive a summary, and must disclose the summary that is produced by the Board to that victim.

(4) Where any other person seeks disclosure of a summary under paragraph (1), the Board must disclose the summary that is produced to that person.

(5) Subject to paragraph (1) and rule 17, the Board chair may prohibit or permit the disclosure, recording or publication of proceedings or information about proceedings under these Rules.

(5A) A decision of the Board chair under paragraph (5) may relate to a class of proceedings.

(6) Other than those of the parties, the names of persons concerned in proceedings under these Rules must not be disclosed under paragraphs (1) to (5) unless the Board chair gives a direction to the contrary.

(7) A contravention of paragraphs (5) or (6), is actionable as a breach of statutory duty by any person who suffers loss or damage as a result.

(8) For the purposes of this rule—

"victim" means a person who is participating in the Victim Contact Scheme in respect of a prisoner who is party to proceedings under these Rules;

"Victim Contact Scheme" means the scheme set out in the Victims' Code in accordance with section 32 of the Domestic Violence, Crime and Victims Act 2004.