The Parole Board Rules 2019 (as amended)

PART 1 Introduction

Citation, commencement and revocation

1.—(1) These Rules may be cited as the Parole Board Rules 2019 and come into force on 22nd July 2019.

(2) The Parole Board Rules 2016 and the Parole Board (Amendment) Rules 2018 are revoked.

Interpretation

2. In these Rules—

"1997 Act" means the Crime (Sentences) Act 1997;

"2003 Act" means the Criminal Justice Act 2003;

"assessment panel" means a panel appointed under rule 5(4) to consider reconsideration applications under rule 28;

"barrister" means an individual who has been called to the Bar by an Inn of Court and holds a current practising certificate;

"Board" means the Parole Board;

"Board chair" means the chair of the Board appointed under paragraph 2 of Schedule 19 to the 2003 Act;

"case" means any matter referred to the Board by the Secretary of State, including a request for advice;

"custodian" means a prison officer under the Prison Act 1952, an officer of a contracted-out prison under the Criminal Justice Act 1991, or any person employed to work in a prison;

"determinate sentence" means a sentence served by a fixed-term prisoner as defined by section 237 of the 2003 Act;

…

"duty member" means a member of the Board appointed under rule 4(2);

"extended sentence" means an extended sentence for certain violent or sexual or terrorist offences under sections 254, 266 and 279 of the Sentencing Code, or sections 226A, 226B, 227 and 228 of the 2003 Act, or section 85 of the Powers of Criminal Courts (Sentencing) Act 2000;

"indeterminate sentence" means a sentence listed under section 34(2) of the 1997 Act;

"members of staff" means employees appointed under paragraph 5 of Schedule 19 to the 2003 Act;

"offender" means a prisoner or a person released from prison on licence;

"oral hearing" means a hearing before a panel appointed under rule 5(2);

"panel" means a panel of one or more members appointed under rule 5(1), (2), (3), (4A) or (5);

"panel chair" means the person who is chairing a panel by virtue of rule 5(6);

"party" means a prisoner or the Secretary of State;

"previous review" means the Secretary of State's previous referral of the prisoner's case to the Board relating to the prisoner's release under the 1997 Act or 2003 Act;

"prison" includes a young offender institution or any other institution where a prisoner is detained;

"prison director" means a person appointed under section 85(1)(a) of the Criminal Justice Act 1991;

"prisoner" means a person detained in a young offender institution or detained or imprisoned in any other institution, excluding a person on remand;

"prison governor" means a person acting as governor of a prison as required by section 7 of the Prison Act 1952;

"provisional decision" means a decision which is not yet final because; (a) it is subject to an application for an oral hearing under rule 20(1); or (b) it is subject to reconsideration under rule 28;

"public holiday" means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales;

"recall" means where an offender is serving a sentence in the community on licence and the Secretary of State revokes the licence returning the offender to custody;

"request for advice" means any matter referred to the Board where it is the Board's duty to advise the Secretary of State under section 239(2) of the 2003 Act;

"serious terrorism sentence" means a serious terrorism sentence under sections 268A and 282A of the Sentencing Code;

"solicitor" means a solicitor of the Senior Courts;

"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;

"working day" means any day which is not a Saturday, Sunday or a public holiday.

Application

3.—(1) These Rules apply to all cases … before the Board.

(2) Subject to paragraph (3), cases referred to the Board before the date on which these Rules come into force continue under these Rules, and are treated as if the case was referred under these Rules.

(3) Applications for reconsideration under rule 28 can only be made where a decision that is eligible for reconsideration is made on or after the date these Rules come into force.

(4) Any steps taken in cases before the date on which these Rules come into force are deemed to have been taken under these Rules.

PART 2 General powers and provisions

Delegation and appointment of functions

4.—(1) The Board chair may delegate any of the Board chair's functions as set out in these Rules to any other member of the Board.

(2) The Board chair may appoint a member of the Board to carry out any function as required by the Rules.

(3) The Board chair may delegate the following functions to the Board's members of staff—

(a) the appointment of panels under rule 5;

…(c) a direction that the case should proceed directly to an oral hearing under rule 19(1)(c)

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

(e) the making of directions specified in rule 6(3);

(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);

(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).

(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).

Appointment of panels

5.—(1) For all cases which have been referred to the Board, the Board chair must appoint one or more members of the Board to constitute a panel to consider, in accordance with rule 19, the release of a prisoner on the papers, or to advise the Secretary of State.

(2) If, following consideration on the papers under rule 19, a case is directed to be considered at an oral hearing, the Board chair must appoint one or more members of the Board to constitute a panel to hear that case in accordance with rules 22 to 26.

(3) If following consideration of whether a case should be decided on the papers…, in accordance with rule 21, a direction is made for the case to be decided by a panel on the papers, the Board chair must appoint one or more members of the Board to constitute a panel to make a decision on the release of the prisoner on the papers.

(4) For any application made for reconsideration of a provisional decision under rule 28, the Board chair must appoint one or more members of the Board to constitute an assessment panel to consider the application.

(4A) For any application made to set aside a final decision under rule 28A, the Board chair must appoint one or more members of the Board to constitute a panel to consider the application.

(5) For any reference made for the Board to consider the termination of an offender's licence under rule 31, the Board chair must appoint one or more members of the Board to constitute a panel to consider the reference.

(6) Any panel or assessment panel appointed under paragraphs (1) to (5) is to be chaired—

(a) where a panel or assessment panel is constituted of more than one member, by the member of the panel appointed by the Board chair for this purpose;

(b) where a panel or assessment panel is constituted of only one member, by that member.

(7) A person appointed under paragraph (1) may, in the same case, sit on a panel at an oral hearing appointed under paragraph (2).

(8) A person appointed under paragraphs (1) to (3) to consider a case on the papers or at an oral hearing must not subsequently be appointed to an assessment panel for reconsideration of that case under paragraph (4).

Case management and directions

6.—(1) A panel chair or duty member may be appointed in accordance with rule 4 to carry out case management functions and may at any time make, vary or revoke a direction.

(2) The panel chair or duty member appointed under paragraph (1) may make any direction necessary in the interests of justice, to effectively manage the case or for such other purpose as the panel chair or duty member considers appropriate.

(3) Such directions may in particular relate to—

(a) the timetable for the proceedings;

(b) the service of information or a report;

(c) the submission of evidence;

(d) the attendance of a witness or observer;

(e) holding a case management conference;

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

(4) A direction given under this rule may not relate to withholding information or reports from the prisoner (and the prisoner's representative where relevant); such directions are governed by rule 17.

(5) A party or third party who is subject to a direction may apply in writing for a direction to be given, varied or revoked.

(6) An application under paragraph (5) must—

(a) specify any direction or variation sought and the reasons for the direction or variation, and

(b) be served on the other party, and any third party (if applicable).

(7) Where a third party makes an application under paragraph (5), the Board must serve the application on the parties under paragraph (6)(b).

(8) Where a party, or third party, has applied for a direction to be given, varied or revoked under paragraph (5), either party or the third party (if applicable) may—

(a) make written representations about the application;

(b) where the panel chair or duty member thinks it necessary, make oral submissions at a case management conference held under rule 7.

(9) The power to give, vary or revoke directions may be exercised in the absence of the parties.

(10) The Board must serve on the parties, and third party (if applicable), any directions given, varied or revoked as soon as practicable.

(11) The panel chair or duty member may adjourn or defer the proceedings to obtain further information or for such other purpose as they consider appropriate.

(12) Where the panel chair who is conducting an oral hearing adjourns or defers proceedings under paragraph (11) without a further hearing date being fixed, they must give the parties at least 3 weeks' notice of the date, time and place of the resumed hearing (unless the parties agree to shorter notice).

(13) Any decision to adjourn or defer an oral hearing must be recorded in writing with reasons, and that record must be provided to the parties not more than 14 days after the date of that decision.

(14) Where a prisoner's case has previously been referred to the Board, in making any decision under this rule to adjourn or defer proceedings, the panel chair or duty member must take into account the date of the decision of that prisoner's previous review.

Case management conferences

7.—(1) A panel chair or duty member may hold a case management conference.

(2) A panel chair or duty member may direct that a third party attends a case management conference for any purpose as the panel chair or duty member considers appropriate.

(3) The panel chair or duty member must notify the parties at least 14 days before the day of the case management conference of the date, time, place and method fixed for the case management conference.

(4) In specifying the method fixed for the case management conference, the panel chair or duty member may direct that the or case management conference is to take place at a specified location or via video link, telephone conference or other electronic means.

(5) …

(6) A case management conference may proceed in the absence of a prisoner who is represented at the hearing, or an unrepresented prisoner who chooses not to attend.

Time

8. Where the time prescribed by or under these Rules for doing any act expires on a Saturday, Sunday or public holiday, the act is deemed to be in time if it is done on the next working day.

Time limits

9. A panel chair or duty member may alter any of the time limits prescribed by or under these Rules where it is necessary to do so for the effective management of the case, in the interests of justice or for such other purpose as the panel chair or duty member considers appropriate.

Representatives

10.—(1) Subject to paragraph (2), a party may appoint a representative (whether a solicitor or barrister or other representative) to represent that party in the proceedings.

(2) The following may not act as a representative—

(a) any person who is detained or is liable to be detained under the Mental Health Act 1983;

(b) any person serving a sentence of imprisonment or a sentence of a detention;

(c) any person who is on licence having been released from a sentence of imprisonment or a sentence of detention, or

(d) any person with a conviction for an offence which remains unspent under the Rehabilitation of Offenders Act 1974.

(3) If a party appoints a representative, that party or the representative must notify the Board and the other party of the name, address and occupation of the representative at the same time as the case is referred to the Board, or as soon as reasonably practicable.

(4) Where the Secretary of State receives due notification of the appointment of a representative under paragraph (3), the Secretary of State—

(a) must provide both the prisoner and the representative with any document which is required to be provided, and

(b) may assume that the representative is and remains authorised as such until they receive written notification that this is not so from the representative or prisoner.

(5) Subject to paragraph (2), a person whose name, address and occupation has not been notified under paragraph (3) may act as a representative if authorised by the panel chair.

(6) If the prisoner has not appointed a representative, the panel chair or duty member may appoint a representative (solicitor or barrister or other representative) for the prisoner—

(a) with the prisoner's agreement, or

(b) where the prisoner lacks the capacity to appoint a representative and the panel chair or duty member believes that it is in the prisoner's best interests for the prisoner to be represented.

Method of service

11.—(1) Where a party or other person is required to serve documents on the Board or parties under these Rules, the documents must be served by being—

(a) sent to a secure electronic address where one has been provided by the Board and/or a party;

(b) deposited to a digital repository specified by the Board, or

(c)sent to the office of the Board and/or the party's last known address by secure post or courier.

(2) Where the Secretary of State is required to serve documents on a prisoner who is not represented, the documents must be served by handing them to the prisoner in person.

(3) The custodian who serves documents under paragraph (2) on a prisoner who is not represented must—

(a) endorse the documents with the time and date of service on the prisoner, and

(b) record that the prisoner has been served with the documents.

(4) Where a prisoner who is not represented refuses to receive documents under paragraph (3), the custodian must record the time and date that service was attempted.

(5) Any documents required to be provided to the Board and served on the Secretary of State by a prisoner who is not represented may also be served by handing the documents to a custodian addressed to the person to be served.

(6) Where a prisoner serves any documents under paragraph (5), the custodian must—

(a) endorse the documents with the time and date of receipt;

(b) record the receipt of the documents, and

(c) forward them promptly to the addressee.

Date of service

12.—(1) Unless the panel chair or duty member direct otherwise, any documents served under rule 11(1)(a) or (b) are deemed served on the next working day after the documents were transmitted.

(2) Unless the Board chair directs otherwise, any documents served under rule 11(1)(c) are deemed served on the second working day after the day on which the documents were posted or despatched.

(2A) Any direction by the Board chair under paragraph (2) must specify the date on which the direction takes effect and the date on which it expires.

(3) Any documents served under rule 11(2) or (5) are deemed served on the day the documents were handed over.

(4) Where a prisoner who is not represented refuses to receive documents under rule 11(3), the documents will be deemed as served on the day service was attempted.

Witnesses

13.—(1) A party who wishes to call a witness at an oral hearing must make a written application to the Board but such an application may not be made later than 12 weeks before the date for the oral hearing notified to the parties under rule 22.

(2) A written application to call a witness must—

(a) include the witness's name, address and occupation, and

(b) explain why the party wishes to call the witness.

(3) A party who makes an application to call a witness under paragraph (1) must, at the same time, also serve a copy of the application on the other party.

(4) A panel chair or duty member must determine an application to call a witness and must communicate this decision to the parties.

(5) The panel chair or duty member who determines the application under paragraph (4) must give reasons in writing for any refusal to call a witness.

(6) Where a panel chair or duty member makes a direction for a witness to be called, the Board must notify the parties in writing within 14 days.

(7) Written notification from the Board that it intends to call a witness must—

(a) include the witness's name, address and occupation, and

(b) explain why the witness is being called.

(8) Where a witness is called under these Rules, it is the duty of—

(a) the party calling the witness in respect of a witness called by virtue of an application under paragraph (1), and

(b) the Board, in respect of a witness called under paragraph (6),

to notify the witness no later than 2 weeks before the date of the allocated oral hearing of the date, time, place of the hearing and the need to attend.

(9) Where a panel chair or duty member has directed that a witness is to be called, the panel chair or duty member may direct that it is suitable for a witness to attend via video link, telephone conference or other electronic means.

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—

(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.

(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 ….

PART 3 Parole Board proceedings

Referral and service of reports

16.—(1) A case is deemed to be referred to the Board on the date that the Board receives the referral letter and the information and reports required under paragraph (3) from the Secretary of State.

(2) The Secretary of State must serve the information and reports required under paragraph (3) on the prisoner (and the prisoner's representative if they are represented) at the same time as service on the Board.

(3) Subject to rule 17, the Secretary of State must serve on the Board and the prisoner (and the prisoner's representative if they are represented)—

(a) the information specified in the Schedule;

(b) any further information which the Secretary of State considers relevant to the case, and

(c) where a case relates to a request for advice, any information which the Secretary of State considers relevant to the case.

Withholding information or reports

17.—(1) The Secretary of State … may apply to the Board for information or any report ("the material") to be withheld from the prisoner, or from both the prisoner and their representative, where the Secretary of State … considers—

(a) that its disclosure would adversely affect—

(i) national security;

(ii) the prevention of disorder or crime, or

(iii) the health or welfare of the prisoner or any other person, and

(b) that withholding the material is a necessary and proportionate measure in the circumstances of the case.

(2) An application under paragraph (1) may not be made later than 8 weeks before the date allocated for an oral hearing under rule 22.

(3) Where the Secretary of State … makes an application for the material to be withheld under paragraph (1), the Secretary of State … must serve on the Board—

(a) the material, or a separate document containing the material, and

(b) a written application for non-disclosure, explaining why it is proposed to be withheld.

(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.

(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).

(5) Where the panel chair or duty member is satisfied that all relevant information has been served on the Board, they must consider the application and direct that the material should be—

(a) served on the prisoner and their representative (if applicable) in full;

(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 or 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.

(6) If—

(a) a direction is given under paragraph (5)(a) and the Secretary of State … intends to appeal against it in accordance with paragraph (11), or

(b) a direction is given under paragraph (5)(b) or (c),

the Secretary of State … must, as soon as practicable, notify the prisoner and the prisoner's representative (if applicable) that an application has been made under paragraph (3)(b) and the direction that has been made under paragraph (5).

(7) If the panel chair or duty member appointed under paragraph (4) gives a direction under paragraph (5)(b) or (c) that relates only to the prisoner, and that prisoner has a representative, the Secretary of State … must, subject to paragraph (11), serve the material as soon as practicable (unless the panel chair or duty member directs otherwise) on the prisoner's representative, provided that—

(a) the representative is—

(i) a barrister or solicitor;

(ii) a registered medical practitioner; or

(iii) a person whom the panel chair or duty member appointed under paragraph (4) directs is suitable by virtue of their experience or professional qualifications, and,

(b) the representative has first given an undertaking to the Board that they will not disclose the material to the prisoner or to any other person, other than other legal professionals also responsible for working on that prisoner's case together with the representative.

(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).

(8) The panel chair or duty member making the determination in regards to the non-disclosure application, or the panel chair or duty member at a later date, may direct the appointment of a special advocate appointed by the Attorney General to represent the prisoner's interests where the panel chair or duty member appointed under paragraph (4)—

(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.

(9) If a direction to appoint a special advocate is made under paragraph (8), the Secretary of State … must serve the material as soon as practicable (unless the panel chair or duty member directs otherwise) on the special advocate.

(10) ...

(11) Within 7 days of notification by the Secretary of State or Board in accordance with paragraph (6), either party … may appeal against that direction to the Board chair and notify the other party of the application to appeal.

(12) If the Secretary of State … appeals the direction in accordance with paragraph (11), the Secretary of State … need not serve the material under paragraphs (5) or (7) until the appeal is determined.

(13) Where a direction is made under paragraph (5)(b) or (c) to withhold material from a prisoner who does not have a representative, the decision will automatically be considered in an appeal to the Board chair.

(14) Within 7 days of being notified that a party has appealed under paragraph (11), the other party may make representations in respect of the appeal to the Board chair.

(14A) In determining an appeal under paragraph (11) or (13), the Board chair must consider the application and may make directions as necessary to enable determination of the application, including a direction under paragraph (8).

(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.

(14B) The Board chair may determine an appeal by—

(a) upholding the decision made by the panel chair or duty member under paragraph (5); or

(b) substituting their own decision, which may contain any direction that the panel chair or duty member could have made under paragraph (5).

(14C) When the Board chair has made a decision under paragraph (14B) the Secretary of State … must, as soon as practicable, notify the prisoner and the prisoner's representative (if applicable) and the Special Advocate (if one has been appointed) that a decision has been made and its outcome.

(14D) The panel chair or duty member may reconsider the disclosure of any material withheld under this rule at a later date 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).

(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).

(15) If—

(a) a panel chair or duty member appointed under paragraph (4) to determine an application under paragraph (1),

(b) the Board chair determining an appeal under paragraph (11) or (13), or

(c) a panel chair or duty member directing disclosure under paragraph (14D),

decides that any material which is subject to the application by the Secretary of State … under paragraph (1) should be disclosed to the prisoner or the prisoner's representative (in full or in the form of a summary or redacted version), the Secretary of State … may withdraw the material ….

(16) If the Secretary of State does not withdraw any material in accordance with paragraph (15), they must serve on the prisoner or the prisoner's representative or both (as directed by the Board chair)—

(a) the decision, subject to any redactions the Board considers necessary so as not to undermine the decision;

(b) any material directed to be disclosed, subject to receipt of an undertaking if so directed.

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.

Representations by and evidence of the parties

18.—(1) A party who wishes to make representations to the Board must serve them on the Board and the other party—

(a) within 4 weeks of the case being referred to the Board where the case relates to the initial release of a prisoner, or

(b) at the time of referral if the case relates to the release following recall of a prisoner.

(2) Any additional evidence that a party wishes to present at an oral hearing must be served on the Board and the other party at least 14 days before the date of the oral hearing.

(3) Any party that wishes to present at an oral hearing documentary evidence which has not been served at least 14 days before the date of the hearing, must serve the material on the Board and the other party, together with an application to the panel chair or duty member for permission to do so, as soon as reasonably practicable, and must, as part of that application, give reasons for late service.

Consideration on the papers

19.—(1) Where a panel is appointed under rule 5(1) to consider the release of a prisoner, the panel must decide on the papers either that—

(a) the prisoner is suitable for release;

(b) the prisoner is unsuitable for release, or

(c) the case should be directed to an oral hearing.

…

(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.

(2) Where a panel has received a request for advice from the Secretary of State concerning whether a prisoner should move to open conditions, the panel must recommend whether—

(a) the prisoner is suitable for a move to open conditions, or

(b) the prisoner is not suitable for a move to open conditions.

(3) Where a panel makes a decision that the case should be directed to an oral hearing under this rule, the panel may at the same time make any directions relating to the oral hearing.

(4) Any decision made under paragraph (1)(a) which is eligible for reconsideration under rule 28 is provisional, and becomes final if no application for reconsideration is received within the period specified by that rule.

(5) Any decision made under paragraph (1)(a) which is not eligible for reconsideration under rule 28 is final.

(6) Any decision made under paragraph (1)(b) is provisional.

(7) Where the Board receives a request for advice with respect to any matter referred to it by the Secretary of State, the Board may advise or make a recommendation to the Secretary of State without an oral hearing.

(8) The panel's decision or advice must include the reasons for that decision or advice.

Procedure after a provisional decision on the papers

20.—(1) Where a panel appointed under rule 5(1) has made a decision that a prisoner is unsuitable for release under rule 19(1)(b), the prisoner may apply in writing for a panel at an oral hearing to determine the case.

(2) A prisoner who makes an application under paragraph (1) must serve the application, together with reasons for making an application, on the Board and the Secretary of State, within 28 days of the decision or advice under rule 19(8) being sent.

(3) If no application has been served by the prisoner under paragraph (2) after the expiry of the period specified by that paragraph, a provisional decision made under rule 19(1)(b)—

(a) remains provisional if it is eligible for reconsideration under rule 28, and becomes final if no application for reconsideration is received within the period specified by that rule, or

(b) becomes final if it is not eligible for reconsideration under rule 28.

(4) …

(5) If an application is served in accordance with paragraph (2), the decision about whether the case should be determined at an oral hearing must be taken by a member of the Board who—

(a) is a duty member, and

(b) was not part of the constituted panel appointed under rule 5(1) who made the provisional decision.

(6) If the decision taken under paragraph (5) is that the case should not be determined at an oral hearing, a provisional decision under rule 19(1)(b)—

(a) remains provisional if it is eligible for reconsideration under rule 28 and becomes final if no application for reconsideration is received within the period specified by that rule, or

(b) becomes final if it is not eligible for reconsideration under rule 28.

(7) Where the decision taken under paragraph (5) is that the case should not be determined at an oral hearing, that decision must—

(a) be provided to the parties by the Board within 14 days of the application being served by the prisoner under paragraph (2); and

(b) include the reasons for that decision.

(8) A decision under paragraph (5) cannot be deferred or adjourned by a panel chair or duty member under rule 6 and the time limit in paragraph (7) cannot be extended under rule 9.

Decision on the papers after a direction for an oral hearing

21.—(1) Subject to the provisions of this rule, where … a panel have directed that a case should be determined at an oral hearing under rule 19(1)(c) or 20(5), a panel chair or duty member may direct that the case should be decided on the papers if an oral hearing is no longer necessary—

(a) in the interests of justice;

(b) to effectively manage the case; or

(c) for such other reason as the panel chair or duty member considers appropriate, including where further evidence is received by the Board.

(2) The Board must notify the parties where it is considering making a direction in accordance with paragraph (1) and its reasons for doing so as soon as practicable.

(3) Within 14 days of notification … under paragraph (2), the parties may make representations on—

(za) the reasons provided by the Board for the proposed direction;

(a) the contents of any further evidence, and

(b) whether they agree to the case being decided by a panel on the papers.

(4) After the 14-day period for the parties to make representations under paragraph (3), the panel chair or duty member will consider the case, including any further evidence and any representations made, and make a direction that the case should—

(a) be decided by a panel on the papers, or

(b) continue to be determined by a panel at an oral hearing under rule 25.

(5) Where a direction is made under paragraph (4)(a) for a decision to be made by a panel on the papers under paragraph (7), the panel may be constituted of the panel chair who made the direction or by a new panel appointed under rule 5(3).

(6) …

(7) Where a direction is made that the case should be decided on the papers under paragraph (4)(a), the panel must decide either that—

(a) the prisoner is suitable for release, or

(b) the prisoner is not suitable for release.

(7A) In relation to a 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 31A(4F) of that Act.

(8) Any decision made under paragraph (7) is provisional if it is eligible for reconsideration under rule 28, and becomes final if no application for reconsideration is received within the period specified by that rule.

(9) Any decision made under paragraph (7) which is not eligible for reconsideration under rule 28 is final.

(10) Where a panel chair or duty member receives a request for advice from the Secretary of State concerning whether a prisoner should move to open conditions, the panel chair must recommend whether—

(a) the prisoner is suitable for a move to open conditions, or

(b) the prisoner is not suitable for a move to open conditions.

(11) Where the Board receive a request for advice with respect to any matter referred to it by the Secretary of State, any recommendation made in respect of that request is final.

(12) The decision under paragraph (7) and/or recommendation under paragraph (10) must include the reasons for that decision and/or recommendation.

Notice of an oral hearing

22.—(1) Before fixing the date of the oral hearing the Board must consult the parties.

(2) Within 1 week of a case being listed, the Board must notify the parties of the date of the oral hearing.

(3) The Board must give the parties reasonable notice of the date, time and place of the hearing.

(4) Where notification is less than 12 weeks then the Board must review any other affected timescale.

(5) Notification of less than 3 weeks must be agreed with both parties.

(6) If applicable, the Board must give the parties notice that the hearing will be held via video link, telephone conference or other electronic means.

Notification by prisoner

23.—(1) A prisoner must notify the Board and the Secretary of State if—

(a) the prisoner does not want a panel at an oral hearing to consider the case, or

(b) the prisoner does not want to attend an oral hearing which has been listed.

Oral hearing procedure

24.—(1) At the beginning of the oral hearing the panel chair must explain the order of proceedings which the panel plans to adopt.

(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.

(2) The panel—

(a) must avoid formality during the hearing;

(b) may ask any question to satisfy itself of the level of risk of the prisoner, and

(c) must conduct the hearing in a manner it considers most suitable to the clarification of the issues before it and to the just handling of the proceedings.

(3) The parties are entitled to—

(a) take such part in the proceedings as the panel thinks fit;

(b) hear each other's witnesses and representations;

(c) put questions to each other;

(d) call a witness who has been given written notification in accordance with rule 13, and

(e) question any witness appearing before the panel.

(4) The panel chair may exclude from any oral hearing (including a case management conference), or part of it—

(a) any person whose conduct the panel chair considers is disrupting or is likely to disrupt the oral hearing;

(b) any person whose presence the panel chair considers is likely to prevent another person from giving evidence or making submissions freely;

(c) any person during any part of the hearing where evidence which has been directed to be withheld from the prisoner or the prisoner and their representative under rule 17 is to be considered; or

(d) a witness until that witness gives evidence.

(5) The panel chair may permit a person who was excluded under paragraph (4) to return on such conditions as the panel chair may specify.

(6) A panel may produce or receive in evidence any document or information whether or not it would be admissible in a court of law.

(7) No person is compelled to give any evidence or produce any document which they could not be compelled to give or produce on the trial of an action.

(8) ...

(9) After all the evidence has been given, if the prisoner is present at the hearing, the prisoner must be given an opportunity to address the panel.

Decision by a panel at an oral hearing

25.—(1) Where a panel has considered a prisoner's case at an oral hearing, the panel must decide either that—

(a) the prisoner is suitable for release, or

(b) the prisoner is unsuitable for release.

(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

(2) Any decision made by the panel under paragraph (1) which is eligible for reconsideration under rule 28 is provisional, and becomes final if no application for reconsideration is received within the period specified by that rule.

(3) Any decision made by the panel under paragraph (1) which is not eligible for reconsideration under rule 28 is final.

(4) Where a panel receives a request for advice from the Secretary of State concerning whether a prisoner should move to open conditions, the panel must recommend either that—

(a) the prisoner is suitable for a move to open conditions, or

(b) the prisoner is not suitable for a move to open conditions.

(5) Where the Board receives a request for advice with respect to any matter referred to it by the Secretary of State, any recommendation made in respect of that request is final.

(6) The decision under paragraph (1) and/or recommendation under paragraph (4) must—

(a) be provided to the parties within 14 days of the hearing; and

(b) include the reasons for that decision and/or recommendation.

(7) The … decision and/or recommendation must refer only to the matter which the Secretary of State referred to the Board.

Decision making by a panel …

26.—(1) Where a panel is constituted of more than one member, a decision of the majority of the members of the panel is the decision of the panel.

(2) A panel … that is unable to reach a decision in accordance with paragraph (1) must be dissolved by the Board chair, who must then appoint a new panel.

Disclosure of the reasons for a decision or recommendation

27.—(1) Where a victim or any other person seeks disclosure 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 … the reasons for that decision or recommendation, unless the Board chair considers that there are exceptional circumstances why the reasons for a decision should not be produced for disclosure.

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

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

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

(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.

(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.

Reconsideration of decisions

28.—(1) Subject to paragraph (2), where a decision has been made under rule 19(1)(a) or (b), 19(1A), 21(7), 21(7A), 25(1) or 31(6) or 31(6A), a party may apply to the Board for the case to be reconsidered on the grounds that the decision—

(za) contains an error of law;

(a) is irrational; or

(b) is procedurally unfair.

(2) Decisions are eligible for reconsideration only where the prisoner is serving—

(a) an indeterminate sentence;

(b) an extended sentence;

(c) a determinate sentence subject to initial release by the Board under Chapter 6 of Part 12 of the 2003 Act;

(d) a serious terrorism sentence.

(3) An application for a provisional decision to be reconsidered under paragraph (1) must be made and served on the other party no later than 21 days after the decision under rules 19(8), 21(12), 25(6) or 31(7) is sent to the parties.

(4) Where a party makes an application under paragraph (3), the other party may make representations, and those representations must be provided to the Board and the party who made the application within 7 days of service of the application.

(5) Where an application made under paragraph (3) is received by the Board, the application must be considered on the papers by an assessment panel.

(6) After assessing the application under paragraph (5), the assessment panel must—

(a) direct that the provisional decision should be reconsidered, or

(b) dismiss the application.

(7) The assessment panel may direct that the provisional decision should be reconsidered under paragraph (6)(a) only if it has identified a ground for reconsideration under paragraph (1).

(8) Where the assessment panel dismiss the application under paragraph (6)(b), the provisional decision becomes final.

(9) Where the assessment panel directs that the provisional decision should be reconsidered under paragraph (6)(a), the assessment panel must direct that the case should be—

(a) reconsidered on the papers by the previous panel or a new panel appointed under rule 5(1), or

(b) reconsidered at an oral hearing by the previous panel or a new panel appointed under rule 5(2).

(10) The decision of the assessment panel must include the reasons for that decision or advice.

Setting aside final decisions

(28A).—(1) The Board may set aside a final decision that a prisoner is suitable for release made under rule 19(1)…, 21(7) or 25(1) —

(a) on application by a party; or
(b) on initiation by the Board Chair.

(2) An application or initiation under paragraph (1)(a) or (b) must be considered on the papers by a decision maker.

(3) A final decision may be set aside under paragraph (1) by a decision maker if—

(a) it is in the interests of justice to do so; and

(b) one or more of the conditions in paragraph (4) are satisfied.

(4) The conditions are—

…

the decision maker is satisfied that a direction given by the Board for the release of a prisoner would not have been given if—

(i) information that was not available to the Board when the direction was given had been so available, or

(ii) a change in circumstances relating to the prisoner that occurred after the direction was given, had occurred before it was given.

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

(6) Where an application is made under paragraph (1)(a)—

(a) the party who made the application must serve the application and any representations in support upon the Board and the other party;

(b) the Secretary of State must serve all relevant information and reports upon the Board and the other party; and

(c) the other party may make any representations in reply, and those representations must be provided to the Board and the party who made the application within 7 days of service of the application.

(7) Where an initiation is made under paragraph (1)(b)—

(a) the Board must notify both parties of the initiation by the Board chair and serve any reasons in support of the initiation upon the parties;

(b) the Secretary of State must serve all relevant information and reports upon the Board and the other party; and

(c) the parties may make any representations in reply, and those representations must be provided to the Board and the other party within 7 days of service of the initiation.

(8) Where the decision maker directs that a final decision should be set aside, they must also direct that the case should be—

(a) decided again on the papers by the previous panel or a new panel appointed under rule 5(1), or

(b) decided again at an oral hearing by the previous panel or a new panel appointed under rule 5(2).

(9) The decision of the decision maker under paragraph (3) must include the reasons for that decision.

(10) Any requirement on the Secretary of State to give effect to a Parole Board direction to release a prisoner under Chapter 2 of Part 2 of the 1997 Act or Chapter 6 of Part 12 of the 2003 Act, is suspended when an application is made under paragraph (1)(a) or (b), pending the decision under paragraph (3).

(11) In this rule, "decision maker" means—

(a) a panel appointed under rule 5(4A) to consider the application; unless

(b) one or more grounds of the application related to paragraph (4)(b) of this rule apply and the panel appointed under rule 5(4A) delegates the role of decision maker to the chair of the panel who made the decision which is sought to be set aside.

Error of Procedure

29. Where there has been an error of procedure by either party or by the Board, including a failure to comply with a rule—

(a) the error does not invalidate any step taken in the proceedings unless the member appointed by the Board for this purpose, being either a panel chair or duty member, directs otherwise, either on the application of a party or in the course of conducting the proceedings, and

(b) the panel chair or duty member may make a direction or take any other step that it considers appropriate, 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.

Slip Rule

30.—(1) The Board may correct an accidental slip or omission in a decision at any time until the end of the period of twelve weeks, beginning with the day on which the decision becomes final.

(2) A party may apply for a correction without notice.

PART 4 Termination of licence

References to terminate IPP licences

31.—(1) Where the Secretary of State makes a reference for an offender's licence to be terminated under section 31A of the 1997 Act, the Secretary of State must serve any reports or evidence at the same time as making the reference to the Board.

(2) …

(3) …

(4) Where the Board receives a reference, a panel appointed under rule 5(5) must consider the application in accordance with section 31A(4) of the 1997 Act.

(5) In considering the reference, the panel may—

(a) make a decision on the papers, or

(b) direct that the reference should be decided by a panel at a hearing.

(6) Where a panel considers the reference on the papers or at a hearing, it must decide to—

(a) terminate the offender's licence;

(b) dismiss the reference, but amend the offender's licence in accordance with section 31(3) of the 1997 Act, or

(c) dismiss the reference.

(6A) Where the reference has been made for an offender who is in prison having been recalled under section 32 of the 1997 Act, the panel must consider the reference in accordance with section 31A(4F) of that Act.

(7) The decision under paragraph (6) or (6A) must—

(a) include the reasons for that decision; and

(b) be provided to the offender and the Secretary of State within 14 days of that hearing.

(7A) Any decision made by the panel under paragraphs (6) or (6A) is provisional, and becomes final if no application for reconsideration under rule 28 is received within the period specified by that rule.

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 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.

SCHEDULE

Information and reports for a reference to the Board by the Secretary of State to determine the initial release of a prisoner or to determine the re-release of a recalled prisoner

Part A

Information relating to the prisoner

1. The full name of the prisoner.

2. The date of birth of the prisoner.

3. The prison in which the prisoner is detained, details of any other prisons in which the prisoner has been detained under the current sentence, and the date of and the reason for any transfer.

4. The date on which the prisoner was given the current sentence, details of the offence and any previous convictions.

5. If available, the comments of the trial judge when passing sentence.

6. The parole history, if any, of the prisoner, including details of any periods spent on licence during the current sentence.

7. If available, the conclusions of the Court of Appeal in respect of any appeal by the prisoner against conviction or sentence.

8. In recall cases, the details of any previous recalls of the prisoner, including the reasons for such recalls and subsequent re-release on licence.

9. In recall cases, the statement of reasons for the most recent recall, including the outcome of any criminal charges laid against the prisoner prior, or subsequent, to the point at which the prisoner was recalled.

10. In recall cases, if available, witness statements, police statements and the CPS summary of any alleged offending on licence.

Secretary of State view on suitability for release

11. Reports relating to the prisoner should present all relevant information and a factual assessment pertaining to risk, as set out in the paragraphs of Part B of this Schedule. Report writers' may include in the report their professional opinion on whether the prisoner is safe to be managed in the community, or moved to open prison conditions, provided that they feel able to give such an opinion. Any such opinion should be made by reference to their particular area of competence, as well as to their specific interactions with the prisoner.

12. Where considered appropriate, the Secretary of State, as a party to the proceedings, will present an overarching view on the prisoner's suitability for release in accordance with the statutory release test.

Part B

Reports relating to the prisoner

1. If available and relevant to the Secretary of State's assessment of risk, the pre-trial and pre-sentence reports examined by the sentencing court on the circumstances of the offence, including any specialist reports produced at sentencing.

2. If available, any reports or evidence the sentencing court recommended be seen by those considering future risk.

3. Reports on a prisoner who was subject to a transfer direction under section 47 of the Mental Health Act 1983.

4. Current reports on prisoner's risk factors, reduction in risk and performance and behaviour in prison.

5. A current risk management report prepared for the Board by an officer of the National Probation Service, including information on the following where relevant —

(a) details of the prisoner's address, family circumstances and family attitudes towards the prisoner;

(b) alternative options if the offender cannot return home;

(c) the opportunity for employment on release;

(d) the local community's attitude towards the prisoner (if known);

(e) the prisoner's attitude to

wards the offence for which the offender received the sentence that is being considered by the Parole Board;

(f) the prisoners' response to previous periods of supervision;

(g) the prisoner's behaviour during any temporary leave during the current sentence;

(h) the prisoner's attitude to the prospect of release and the requirements and objectives of supervision, including likely compliance;

(i) an assessment of the risk of reoffending;

(j) a programme of supervision;

(k) analysis of the impact of the offence on the victims, for which the offender received the sentence which is being considered by the Board;

(l) recommendations regarding any licence conditions.

6. If available, a current Victim Personal Statement setting out the impact the offence has had on the victim and/or the victim's family.

7. In recall cases, any reports considered by the Secretary of state in deciding to recall the prisoner.

8. In recall cases, a copy of the prisoner's licence at the point at which the Secretary of State decided to recall the prisoner.

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