

Parole Board Rule 4

Delegation and appointment of functions

Re-exercise Process Information

1.1 This information sheet provides advice to the parties (the prisoner or the Secretary of State) on requesting that a decision made under delegated authority is retaken (a re-exercise application).

1.2 Section 73(3) of the Victims and Prisoners Act 2024 introduced new and extended delegated powers to the Parole Board's staff to undertake a number of case management and non-judicial decisions.

1.3 Parole Board rule 4: Delegation and appointment of functions sets out:

4 (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).

1.4 Rule 4(4) enables a party to apply for a decision made under delegated powers to be retaken by the panel chair or duty member. This is called automatic re-exercise.

1.5 An application to retake a decision must be submitted by the party within 14 days of the original decision being made. A request to vary this timeframe can be made under rule 9.



- 1.6 An application for an automatic re-exercise **is not permitted** for delegated functions made about the appointment of panels 4(3)(a) or the production of a summary 4(3)(h).
- 1.7 A request to retake a decision made under delegated functions should be submitted using a Stakeholder Response Form (SHRF). The SHRF should include:
- the details of the decision to be retaken;
 - the reasons why the original decision requires retaking;
 - an explanation of where any circumstances have changed;
 - any alternative decision the applicant believes should have been made, and why; and
 - whether the matter is urgent and time sensitive.
- 1.8 There should be sufficient detail to enable a panel chair or duty member to make a new decision without directing further information.
- 1.9 The SHRF should confirm that both parties are aware of the request and that the other party to the one making the request has had the opportunity to submit representations. If this is not clear, the case manager will seek clarification from the party who submitted the SHRF.
- 1.10 The completed SHRF will be submitted to a panel chair or duty member (depending on the stage the case is at) to determine. The panel chair or duty member may:
- Dismiss the request and uphold the original decision, or
 - Make a new decision that will put aside the original decision.
- 1.11 A panel chair or duty member may use the SHRF response section to record their decision, or they can set out their reasons and any new directions in greater detail using either the Panel Chair Directions form or MCA Directions form, as appropriate. Clear reasons must be given for their decision.
- 1.12 Re-exercise applications should be determined as swiftly as possible, however, there is no time limit for the panel chair or duty member to consider such applications. Good practice would be to make a decision within 14 days but this may need to be sooner if the matter is urgent.
- 1.13 It should be noted that until a decision about the application is made, the original decision stands.

