SCOTTISH STATUTORY INSTRUMENTS

2003 No. 184

PRISONS

The Members of the Parole Board (Removal Tribunal) Regulations 2003

Made - - - -	*7th March 2003*
Coming into force - -	*8th March 2003*

The Scottish Ministers, in exercise of the powers conferred by paragraph 3D of Schedule 2 to the Prisoners and Criminal Proceedings (Scotland) Act 1993(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with paragraph 6B of Schedule 2 to the Act, been laid before, and has been approved by a resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Members of the Parole Board (Removal Tribunal) Regulations 2003 and shall come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations–

"the Act" means the Prisoners and Criminal Proceedings (Scotland) Act 1993;

"the Board" means the Parole Board for Scotland;

"Board member" means the member of the Parole Board for Scotland who is the subject of the investigation;

"investigation" means an investigation carried out under paragraph 3A of Schedule 2 to the Act(**2**);

"tribunal" means the tribunal constituted by and under paragraph 3B of Schedule 2 to the Act(**3**);

"tribunal member" means a member of the tribunal.

(**1**) 1993 c. 9; paragraphs 3D and 6B were inserted by the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7), section 5.
(**2**) Paragraph 3A was inserted by 2001 asp 7, section 5.
(**3**) Paragraph 3B was inserted by 2001 asp 7, section 5.

Commencement of investigation

3. Prior to an investigation by the tribunal commencing, the Scottish Ministers shall give the Board member written notice of the investigation and of their reasons for requesting the investigation.

Payment to tribunal members

4. The Scottish Ministers may pay to a tribunal member such sums as they consider appropriate in respect of the performance of that person's duties as a tribunal member.

Change in membership of tribunal

5.—(1) This regulation shall apply where, after commencement of an investigation, any tribunal member–

(a) dies;

(b) resigns; or

(c) is, in the opinion of the Lord President, unable to act.

(2) Subject to paragraph (3), the Lord President shall appoint a new tribunal member to replace the tribunal member referred to in paragraph (1).

(3) Where the tribunal member referred to in paragraph (1) is not the person presiding over the tribunal, a new tribunal member need not be appointed under paragraph (2) unless the Board member so wishes.

(4) On a new tribunal member being appointed under paragraph (2), the tribunal may (but need not) commence the investigation again.

Procedure – general

6. Other than as specified in these Regulations, the procedure to be followed by and before the tribunal shall be that determined by the tribunal.

Procedure – further provisions

7.—(1) The tribunal may receive oral or written evidence from such persons as it thinks fit.

(2) The tribunal shall give the Board member the opportunity to make written and, if the Board member wishes, oral representations regarding the matters which are the subject of the investigation.

(3) Representations under paragraph (2) may be made by the Board member personally or by anyone acting on his or her behalf.

(4) The tribunal shall sit in private and no tribunal member shall disclose information received in the course of an investigation other than for the purposes of carrying out the functions conferred on the tribunal by the Act and these Regulations.

Suspension

8.—(1) At any time during an investigation, the tribunal may suspend the Board member from office.

(2) A suspension imposed under paragraph (1) shall terminate–

(a) on the tribunal deciding not to order removal of the Board member from office; or

(b) before then, on the tribunal deciding to bring the suspension to an end.