

Island of  Guernsey

Ordinance of the States **I**
1991

Made	31st January, 1991.
Came into Operation	31st January, 1991.

The Parole Review Committee Ordinance, 1991

ARRANGEMENT OF SECTIONS

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The Parole Review Committee Ordinance, 1991

THE STATES, in pursuance of their Resolutions of the 26th day of November, 1986 and the 14th day of December, 1989, and in exercise of the powers conferred on them by section 3 of the Parole Review Committee (Guernsey) Law, 1989(a), hereby order:—

Powers of the Parole Review Committee

1. (1) The Parole Review Committee (“the Committee”) shall have the power to release on licence persons serving sentences of imprisonment on the Island of Guernsey for criminal offences (“prisoners”), whose cases have been referred to it by the States Prison Board in accordance with section 2 of the Parole Review Committee (Guernsey) Law, 1989, (“the Law of 1989”).

(2) The States Prison Board shall not refer to the Committee any prisoner sentenced to a period of less than 15 months’ imprisonment or to an indeterminate period.

(3) The Committee shall not consider a case until the prisoner sentenced has served either 6 months’ imprisonment or one third of his total sentence, whichever is the greater.

(4) No prisoner shall be released on licence until he has served either 10 months’ imprisonment or one-third of his total sentence, whichever is the greater.

(5) The Committee shall have the power to:—

- (a) attach such conditions to licences granted as it thinks fit in the public interest;
- (b) recall prisoners released on licence to prison;
- (c) revoke licences or vary the conditions attached thereto;

(a) Ordres en Conseil, No. XVI of 1989.

- (d) determine the date on which a prisoner shall be released on licence;
- (e) defer a decision on any case referred to it for up to 3 months;
- (f) review the cases of prisoners whose applications have not been granted at intervals of not more than six months;
- (g) specify the date on which a licence expires, that being either—
 - (i) the date on which a prisoner would have been released on remission of part of his sentence under section 31 of the Prison Administration Ordinance, 1959(b), or such later date as he would have been released on after any forfeiture of remission, or
 - (ii) in the case of a young person to whom the Prison Board may apply section 3(5) of the Prison Administration (Guernsey) Law, 1949(c), the date when that prisoner's sentence is due to expire, and
- (h) invite the Prison Governor, a Probation Officer, the Chief Officer of Police, their representatives, or any other person to be present and assist them in their deliberations.

Information to be provided to the Committee

2. (1) An application for a licence shall be made by the prisoner on a form prescribed by order of the Committee and submitted to the Prison Board.

(b) Recueil d'Ordonnances Tome XII, p. 232; Tome XXII, p. 2.

(c) Ordres en Conseil, Vol. XIV, p. 159; Vol. XVII, p. 234.

(2) When dealing with any case referred to it the Committee shall consider any representations, documents, reports or information submitted to it under subsections (3) to (7) of this section.

(3) The Prison Board shall disclose to the Committee any written representations made by the prisoner and any records made in respect of him since he began serving his sentence.

(4) The Probation Service Committee shall disclose to the Committee any written court reports submitted at the time of the prisoner's sentencing (including any reports made in respect of earlier court appearances that may be considered relevant) and any records or reports made in respect of him since he began serving his sentence.

(5) The Police Committee shall disclose to the Committee any written court reports submitted at the time of the prisoner's sentencing and any written records made in respect of him since he began serving his sentence — provided that no such reports or records shall be submitted if Her Majesty's Procureur considers that it is not in the public interest so to do.

(6) Her Majesty's Procureur may submit any confidential information to the Committee tending to indicate that it would not be in the Island's interest to release a prisoner on licence.

(7) The Committee may also consider any other information submitted to it or requested by it from any other person.

(8) The items referred to in subsections (3) to (7) of this section shall not be disclosed in any form to the prisoner.

(9) The Committee may, in any case before it, interview the prisoner or request a member or members of the Committee to interview him.

Provisions on notification of decisions

3. (1) The Committee shall notify a prisoner in writing when an application is not granted; such notification shall not be signed, nor shall any reasons for the decision be given.

(2) When an application is granted the Committee shall give the prisoner written notice of the date on which he is to be released and the conditions to be attached to the licence, which shall be signed by the Chairman (or some other member authorised by him) of the Committee.

(3) The court which sentenced the prisoner to imprisonment and the Chief Officer of Police shall be notified forthwith of any decision to release him on licence and of any conditions attached thereto.

Revocation and recall

4. (1) A prisoner released on licence shall comply with the conditions specified on the licence. If he fails to do so, or in any case where the Committee considers it expedient, his licence may be revoked by the Committee and he shall be recalled to prison.

(2) Notwithstanding subsection (1), if it appears at any time to Her Majesty's Procureur that it is expedient in the public interest to recall a prisoner released on licence to prison and that it is impracticable to consult with the Committee at that time, he may revoke the licence and recall the prisoner to prison; provided that he shall as soon as reasonably practicable inform the Committee of any action so taken.

(3) If a licence is revoked by Her Majesty's Procureur the Committee shall within 7 days of the revocation consider whether or not to confirm the revocation. If not confirmed the order will lapse and the prisoner shall be released forthwith; Provided that Her Majesty's Procureur may at any time during the 7 days period quash his revocation order with the same effect.

(4) A prisoner recalled to prison under subsections (1) and (2) above may make immediate written representations to the Committee with respect to his recall and shall be informed by the Committee of the reasons for his recall and his right to make such representations.

(5) A prisoner recalled to prison under subsections (1) and (2) above shall have his case considered as soon as reasonably practicable by the Committee as if it had been newly referred to it by the Prison Board under section 2(1).

Effect of revocation

5. (1) A prisoner who remains at large after his licence has been revoked (whether he has been notified of the revocation or not) shall be deemed to be unlawfully at large and may be detained without warrant by any person.

(2) A prisoner detained under subsection (1) above shall be conveyed as soon as is reasonably practicable to the prison.

Commission of offences by persons on licence

6. (1) If a prisoner on licence is convicted of any offence punishable with imprisonment committed during the period of licence the court dealing with him (without prejudice to the Committee's powers under section 4(1) of this Ordinance) may revoke the licence and order his return to prison; and shall inform the Committee of the revocation as soon as is reasonably practicable.

(2) If the court decides not to revoke the licence it shall inform the Committee of the conviction and its decision as soon as is reasonably practicable.

General legal provisions

7. (1) No appeal lies to any court in respect of any decision of the Committee whatsoever.

(2) Legal representation shall not be permitted in respect of any application by a prisoner to the Committee.

(3) The Committee, its members and officers and any person exercising any power under the Law of 1989 shall not be liable in any civil action whatsoever as a result of any decision to release or to recall a prisoner on licence.

Interpretation

8. In this Ordinance, except where the context otherwise requires—

“Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey;

“Committee” means the Parole Review Committee;

“court” means any court of law in the Bailiwick of Guernsey; Alderney or Sark;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“Police Committee” means the Island Police Committee;

“Prison” means the Island Prison;

“Prison Board” means the States Prison Board;

“Prisoner” means any person serving a sentence of imprisonment in the Island of Guernsey for a criminal offence;

“Prison Governor” means the Governor of the Island Prison;

“Probation Officer” means any person employed in that capacity by the Probation Service Committee;

“written court reports” and “written records” shall be deemed to include items held as computer data prior to committal to written form.

Citation

9. This Ordinance may be cited as the Parole Review Committee Ordinance, 1991.

K. H. TOUGH,
Her Majesty’s Greffier

**Copies may be purchased from
Her Majesty’s Greffier, Royal Court House, Guernsey.**

PRICE 50p