**FROM THE OFFICE OF THE JUSTICE MINISTER**

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**FROM:** **FIONA SCULLION**
**DALO**

**DATE:** **28 OCTOBER 2026**

**TO:** **KATHY O'HANLON**
**CLERK TO THE COMMITTEE FOR JUSTICE**

**SUMMARY:** **Amendment to the Parole Commissioners' Rules (Northern Ireland) 2009.**

**BUSINESS AREA:** **Public Protection Branch.**

**ISSUE:** **SL1 – The Parole Commissioners' (Amendment) Rules (Northern Ireland) 2026.**

**RESTRICTIONS:** **None.**

**ACTION REQUIRED:** **For consideration.**

**OFFICIALS ATTENDING:** **N/A. Written briefing only.**

## Background

1. The Parole Commissioners' Rules (Northern Ireland) 2009 ("the 2009 Rules") govern the procedures used by the Parole Commissioners when reviewing and assessing whether certain prisoners are suitable for release. The 2009 Rules are made under the authority of the Criminal Justice (Northern Ireland) Order 2008 ("the 2008 Order").

2. The Department proposes to amend Rule 22 of the 2009 Rules, which deals with the 'Location and Privacy of Oral Hearings'. This is in response to a recent finding by the

court in a judicial review [2026] NIKB 57[1] that Rule 22(2) is ultra vires the 2008 Order, on the basis that it states that *"oral hearings shall be held in private"*. The judgment determined that this requirement is not compatible with the common law principle of open justice. The judgment reflected that the Parole Commissioners ought to have the discretion to conduct an open or partly open hearing should they wish to do so.

3. The Justice Minister has been actively considering the issue of access to parole hearings, amongst a range of other related policy issues. The Department ran a consultation on ***Measures to Improve Victim Engagement in the Parole Process***[2] which concluded in May of this year. Officials are analysing the responses and preparing a comprehensive suite of changes to the 2009 Rules. However, as this exercise is ongoing, the Department's priority is to address the issue identified in the McGuinness judicial review by making immediate amendments to the 2009 Rules pending wider reform.

**Purpose of the Statutory Rules**

4. As noted above, the proposed Statutory Rules amend the 2009 Rules and make provision for the Commissioners to conduct an open or partly open hearing should they wish to do so.

**Reason for Legislative change**

5. The legislative change is brought forward to respond to the findings of a judicial review. It is also consistent with the Justice Minister's commitment to enhance support for victims of crime, including in terms of engagement in the parole review process.

**Consultation**

6. Whilst the Department has not consulted on the specific rule change set out in this SL1, as it is an immediate response to a court ruling, the Department has conducted a

[1] [2026] NIKB 57 | Judiciary NI
[2] Consultation on Measures to Improve Victim Engagement in the Parole Process | Department of Justice

public consultation *on Measures to Improve Victim Engagement in the Parole Process*, which invited views on whether provision should be made for open hearings.

7. The Department has consulted with the Victims Commissioner Designate and the Parole Commissioners about the proposed rule change.

**Equality Impact**

8. There will be no differential impact across Section 75 groups as the proposed change will enable any member of the public to request that a parole hearing is held in public.

**Regulatory Impact**

9. The Department concluded that there are no impacts arising on the wider business community as a result of these legislative changes.

**Financial Implications**

10. Additional costs may arise for the Department and for the Parole Commissioners in terms of giving practical effect to the rule.

**EU Implications**

11. There are no EU implications.

**Section 24 of the Northern Ireland Act 1998**

12. This legislation is not incompatible with rights under the European Convention, incompatible with European Community Law and does not discriminate on the grounds of religious belief or political opinion.

**Operational Date**

13. The rule will come into force the day after it is affirmed by the Assembly.

I would be grateful if you would bring this matter to the attention of the Justice Committee.

[redacted]

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