

MONTSERAT

PAROLE OF PRISONERS (AMENDMENT) BILL

No. of 2011

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I ASSENT

GOVERNOR

DATE:

M O N T S E R R A T

No. of 2011

A BILL FOR

AN ACT TO AMEND THE PAROLE OF PRISONERS ACT (CAP. 10.15).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat and by the Authority of the same as follows—

1. Short title

This Act may be cited as the Parole of Prisoners (Amendment) Act, 2011.

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2. Interpretation

In this Act “**principal Act**” means the Parole of Prisoners Act (Cap. 10.15).

3. Section 2 amended

Section 2 of the principal Act is amended by inserting in alphabetical order the following definitions:

“**parole officer**” means a person assigned to perform the duties of parole officer pursuant to section 5A;

“**Secretary**” means the Parole Board Secretary under section 4A; and

“**Superintendent**” means the person appointed as such under the Prison Act (Cap. 10.04)”.

4. Section 3 amended

Section 3 of the principal Act is amended in subsection (1)—

- (a) in the chapeau, by deleting the words “three years” and substituting the words “4 years”;
- (b) in paragraph (b), by inserting the word “and” at the end of the paragraph;
- (c) by deleting paragraph (c) and substituting the words “four representatives from the community.”; and
- (d) by deleting paragraph (d).

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5. Insertion of section 4A

The principal Act is amended by inserting the following as section 4A:

“Parole Board Secretary

4A. (1) There shall be a Secretary to the Board, appointed by the Governor in Council, acting in his discretion.

(2)The Secretary shall—

- (a) attend all meetings of the Board;
- (b) record the minutes of each meeting in proper form;
- (c) prepare and maintain all records of the Board; and
- (d) generally perform the duties connected with the work of the Board.”.

6. Section 5 amended

Section 5 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting paragraph (a) and substituting the following:

“the Board shall deal with the case on consideration of any documents or comments submitted by the Superintendent or parole officer, orally or in writing and any other information the Board has requested and obtained;”;

(ii) by deleting paragraph (b) and substituting the following:

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“the prisoner has the right to be present at his Board hearing and shall be given the opportunity to make representations orally and in writing and where he is present, he may be questioned by the Board;”;

(iii) in paragraph (c):

- (a) by deleting the word “having” and substituting the word “has”;
- (b) by inserting after “10 years or more or” the words “who was”; and
- (c) by deleting the words “to Her Majesty’s Pleasure,” and substituting the words “at the Court’s pleasure”; and

(iv) in paragraph (d) by inserting after the words “such a submission” the words “in paragraph (c)”.

(b) in subsection (2)—

- (i) by inserting after paragraph (a), the following as paragraph (aa):

“(aa) the case history and the judge’s sentencing remarks;”.

- (ii) in paragraph (c) by inserting after the words “background of the prisoner” the following words:

“, his psychological assessment, reports on his education, employment, training and housing, a proposed risk management plan”;

(c) in subsection (3) by inserting after the word “invite” the words “and consider”; and

(d) by inserting the following as subsection (4):

“(4) Members of the public may submit written impact statements, regarding factors that the Board

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may consider before arriving at a decision on the release of a prisoner.”.

7. Insertion of section 5A

The principal Act is amended by inserting the following as section 5A:

“Assignment of parole officers

5A. The Governor shall assign a sufficient number of officers qualified by character and experience to be parole officers for the purposes of this Act.”

8. Section 6 amended

Section 6 of the principal Act is amended—

- (a) in the chapeau to subsection (1), by deleting the words “during Her Majesty’s Pleasure” and substituting the words “at the Court’s pleasure”;
- (b) by inserting the following as subsection (3A):

“(3A) The parole officer shall monitor a prisoner on licence to ensure compliance with the conditions imposed”; and
- (c) in subsection (5)—
 - (i) in paragraph (a) by inserting “or” at the end of the sentence after “over 60 years;”; and
 - (ii) in paragraph (b) by inserting “of his sentence” after “15 years”.

9. Section 7 amended

Section 7 of the principal Act is amended by inserting the following as section 3A:

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“(3A) If there is a factual dispute between the prisoner and another individual with regard to the offence or reason for the revocation of the prisoner’s licence, the Board may interview both parties to the dispute, and the parole officer if necessary, to assist in the resolution of the dispute.”.

SPEAKER

Passed by the Legislative Assembly this day of , 2011.

CLERK OF LEGISLATIVE ASSEMBLY