Changes to Legislation: as of 5 September 2026, this Act is up to date with all changes known to be in force.

Number 28 *of* 2019

PAROLE ACT 2019

REVISED

Updated to 1 November 2023

This Revised Act is an administrative consolidation of the *Parole Act 2019*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Screening of Third Country Transactions Act 2023* (28/2023), enacted 31 October 2023, and all statutory instruments up to and including the *Criminal Justice (Miscellaneous Provisions) Act 2023 (Commencement) (No. 2) Order 2023* (S.I. No. 525 of 2023), made 31 October 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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PAROLE ACT 2019

REVISED

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Number 28 *of* 2019

PAROLE ACT 2019

REVISED

Updated to 1 November 2023

An Act to provide for the establishment of a body to be known as *An Bord Parúil* or, in the English language, the Parole Board; to provide for its functions; to amend certain enactments; and to provide for related matters.

[23*rd July*, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Parole Act 2019.

(2) This Act shall come into operation on such day or days as may be fixed by order or orders made by the Minister, either generally or by reference to any particular purpose or provision, and different days may be so fixed for different purposes or different provisions.

Interpretation

2. (1) In this Act—

"Act of 1960" means the Criminal Justice Act 1960;

"Act of 2001" means the Children Act 2001;

"Act of 2005" means the Health and Social Care Professionals Act 2005;

"Act of 2006" means the Criminal Law (Insanity) Act 2006;

"Act of 2007" means the Medical Practitioners Act 2007;

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"application for parole" has the meaning assigned to it by *section 26(3)*;

"Board" means the Parole Board established under *section 8 (1)*;

"chief executive", in relation to the Board, has the meaning assigned to it by *section 18(1)*;

"child", other than in the definition of family member, means a person who has not attained the age of 18 years;

"children detention school" has the meaning it has in section 3(1) of the Act of 2001;

"civil partner" means a person in a civil partnership or legal relationship to which section 3 of the Act of 2010 applies;

"cohabitant" means a cohabitant within the meaning of section 172(1) of the Act of 2010;

"designated centre" has the meaning it has in section 1 of the Act of 2006;

"eligible for parole", in relation to a person, means eligible for parole in accordance with *section 24*;

"establishment day" means the day appointed under *section 7*;

"family member", in relation to a victim, means—

(a) a spouse, civil partner or cohabitant of the victim,

(b) a child or step-child of the victim,

(c) a parent or grandparent of the victim,

(d) a brother, sister, half brother or half sister of the victim,

(e) a grandchild of the victim,

(f) an aunt, uncle, nephew or niece of the victim, and

(g) any other person—

(i) who was dependent on the victim, or

(ii) who the Board considers had a sufficiently close connection with the victim as to warrant his or her being treated as a family member;

"governor", in relation to a prison, means—

(a) the governor of the prison, or

(b) a person who is for the time being performing the functions of governor of the prison;

"Irish Prison Service" means the prison service of the Department of Justice and Equality, which is charged with the management of prisons;

"legal representative" means a practising solicitor or a practising barrister;

"Minister" means the Minister for Justice and Equality;

"parole" means the release from prison pursuant to a parole order of a person serving a term of imprisonment prior to the expiry of that term;

"parole applicant" means a person who has made an application for parole;

"parolee" means a person who is the subject of a parole order;

"parole order" has the meaning assigned to it by *section 27(1)*;

"prison" means a place of custody administered by or on behalf of the Minister (other than a Garda Síochána station) and includes—

(a) a place provided under section 2 of the Prisons Act 1970, and

(b) a place specified under section 3 of the Prisons Act 1972;

"probation officer" means a person appointed by the Minister to be a probation officer;

"Probation Service" means those officers of the Minister assigned to perform functions in the part of the Department of State for which the Minister is responsible commonly known by that name;

"medical practitioner" means a medical practitioner who is for the time being registered in the register of medical practitioners;

"psychiatrist" means a medical practitioner who is for the time being registered in the Specialist Division of the register of medical practitioners under the medical specialty of "Psychiatry" or under the medical specialty of "Child and Adolescent Psychiatry";

"psychologist" means a person—

(a) who practices as such,

(b) who holds a qualification listed opposite the profession of psychologist in the third column of Schedule 3 to the Act of 2005 or a qualification that is a corresponding qualification, within the meaning of section 90 of that Act, to that qualification, and

(c) following the establishment under section 36 of the Act of 2005 of the register of members of the profession of psychologist, whose name is for the time being entered in that register;

"register of medical practitioners" means the register of medical practitioners established under section 43 of the Act of 2007;

"relevant governor", in relation to a parole applicant or parolee, means—

(a) where the parole applicant or parolee, as the case may be, is detained in a prison, the governor of the prison where he or she is so detained,

(b) where the parole applicant or parolee, as the case may be, is on release from prison for a temporary period in accordance with a direction given by the Minister under section 2 of the Act of 1960, the governor of the prison from which he or she is F1**[**so released,**]**

F2**[**(ba) where the parole applicant or parolee, as the case may be, is on conditional release from prison in accordance with a direction given by the Minister under section 2A of the Act of 1960, the governor of the prison from which he or she is so released, or**]**

(c) where the parolee is on release from prison on parole, the governor of the prison from which he or she is so released;

"relevant victim", in relation to a parole applicant or a parolee, means the victim of the criminal offence in respect of which the parole applicant or the parolee, as the case may be, is serving the sentence of imprisonment to which the application for parole or the parole order, as the case may be, relates;

"victim" means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an offence.

(2) Subject to *section 3*, a reference to a victim in this Act shall, where the death of a victim is caused directly by an offence, be construed as a reference to a family member provided that the family member concerned

has not been charged with, or is not under investigation for, an offence in connection with the death of the victim.

(3) In this Act—

(a) a reference to a person serving a sentence of imprisonment shall be construed as F1**[**including**]**—

(i) a person upon whom a sentence of detention was imposed by a court when he or she was a child where he or she has been transferred to a prison to serve the remainder of the sentence in accordance with section 155 of the F1**[**Act of 2001,**]**

(ii) a person who is released from prison for a temporary period in accordance with a direction given by the Minister under section 2 of the F1**[**Act of 1960, and**]**

F2**[**(iii) a person who is released from prison on conditional release in accordance with a direction given by the Minister under section 2A of the Act of 1960,**]**

and

(b) for the purposes of calculating the length of a sentence of imprisonment, or the portion of such a sentence served—

(i) any period of detention served in a children detention school by the person where he or she has been transferred to a prison to serve the remainder of the sentence in accordance with section 155 of the Act of 2001,

(ii) any time spent in a designated centre, where the person has been transferred to the designated centre pursuant to section 15 of the Act of 2006, while serving the sentence of F1**[**imprisonment,**]**

(iii) any time spent on release from prison for a temporary period in accordance with a direction given by the Minister under section 2 of the Act of 1960 while serving the sentence of imprisonment other than time spent on such release where the currency of the sentence of the person is suspended pursuant to section 5 of F1**[**that Act, and**]**

F2**[**(iv) any time spent on conditional release from prison for a period in accordance with a direction given by the Minister under section 2A of the Act of 1960 while serving the sentence of imprisonment other than time spent on such release where the currency of the sentence of the person is suspended pursuant to section 5 of that Act,**]**

shall be included.

Nomination of family members

3. Where the death of a relevant victim is caused directly by an offence and more than one family member of the victim seeks to make a submission to the Board in accordance with procedures determined under *section 14*, the Board may—

(a) request that the family members concerned nominate a family member to make such submission, or

(b) where the family members are unable to reach agreement in respect of a nomination under *paragraph (a)*, nominate one or more family members for the purposes of making the submission, having regard to the degree of relationship between the family members and the victim.

Regulations

4. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses

5. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Application of Act

6. (1) This Act is without prejudice to—

(a) the power of the Minister to give a direction that a person be released from prison for a temporary period under section 2 of the Act of 1960,

F3**[**(aa) the power of the Minister to give a direction that a person be released from prison for a period under section 2A of the Act of 1960,**]**

(b) the power to commute or remit a punishment under section 23 of the Criminal Justice Act 1951, or

(c) rules or practice whereby prisoners generally may earn remission of sentences by industry or good conduct,

or anything done under those sections or rules, or in accordance with that practice, as the case may be, whether prior to or after the commencement of this section.

(2) This Act shall not apply to qualifying prisoners within the meaning of the Criminal Justice (Release of Prisoners) Act 1998.

PART 2

The Parole Board

Establishment day

7. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Establishment of Board

8. (1) There shall stand established on the establishment day a body which shall be known as *An Bord Parúil* or, in the English language, the Parole

Board, (in this Act referred to as the "Board") to perform the functions conferred on it by this Act.

(2) The Board shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the Minister for Public Expenditure and Reform, have power to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property.

(3) The seal of the Board shall be authenticated by—

(a) the signatures of 2 members of the Board, or

(b) the signatures of both—

(i) a member of the Board, and

(ii) such member of the staff of the Board as is authorised by the Board to act in that behalf.

(4) Judicial notice shall be taken of the seal of the Board and any document purporting to be an instrument made by, and to be sealed with the seal of, the Board shall be received in evidence and be deemed to be such instrument without further proof, unless the contrary is shown.

Functions of Board

9. (1) The Board, in addition to the other functions conferred on it by this Act—

(a) shall provide information to persons serving sentences of imprisonment, victims and members of the public in relation to its functions,

(b) shall provide information to the Minister in relation to its functions and make recommendations to the Minister, upon his or her request, to assist him or her in coordinating and making policy related to the release of persons from prison on parole, and

(c) may undertake, commission or assist in research projects and other activities related to the release of persons from prison on parole which in the opinion of the Board may assist it in the exercise of its functions, and make recommendations to the Minister arising from those projects or activities.

(2) Subject to this Act, the Board shall be independent in the exercise of its functions.

(3) Any function of the Board may be performed through or by the chief executive or any member of the staff of the Board duly authorised in that behalf by the Board.

Membership of Board

10. (1) Subject to this section, the Board shall consist of such and so many members, including the chairperson, not being fewer than 12 or more than 15 in number, as the Minister may consider appropriate.

(2) The members of the Board shall be appointed by the Minister.

(3) Of the persons appointed to be members of the Board—

(a) one shall be—

(i) a judge, or a retired judge, of the Circuit Court, the High Court, the Court of Appeal or the Supreme Court,

(ii) a practising barrister or practising solicitor of not less than 10 years' standing, or

(iii) a legal academic of not less than 10 years' standing who has been employed as such for a continuous period of not less than 2 years immediately before such appointment,

nominated for appointment by the Chief Justice,

(b) one shall be a practising barrister of not less than 5 years' standing nominated for appointment by the General Council of the Bar of Ireland,

(c) one shall be a practising solicitor of not less than 5 years' standing nominated for appointment by the Law Society of Ireland,

(d) two shall be psychiatrists nominated for appointment by the College of Psychiatrists of Ireland,

(e) two shall be psychologists nominated for appointment by the Psychological Society of Ireland,

(f) one shall be a member of staff of the Irish Prison Service nominated by the Director General of the Irish Prison Service,

(g) one shall be a serving member of the Garda Síochána not below the rank of superintendent nominated by the Commissioner of the Garda Síochána,

(h) one shall be a member of staff of the Probation Service nominated by the Director of the Probation Service,

(i) one shall be a representative of a non-governmental organisation that specialises in advocating for the rights of persons serving terms of imprisonment in prisons or the amelioration of conditions in prisons, and

(j) the remaining member or members shall be such other person or persons as, in the opinion of the Minister, has or have sufficient experience and expertise relating to matters connected with the functions of the Board to enable him, her or them to make a substantial contribution to the effective performance of those functions.

(4) The person appointed as a member of the Board pursuant to the nomination of the Chief Justice under *subsection (3)(a)* shall act as chairperson of the Board.

(5) In appointing a person to be a member of the Board, the Minister shall satisfy himself or herself that the person has—

(a) a knowledge and understanding of the criminal justice system, and

(b) the ability to make a reasonable and balanced assessment of—

(i) the risk a person serving a sentence of imprisonment might present to the safety and security of members of the public if released on parole,

(ii) the extent to which such a person has been rehabilitated and would, if released on parole, be capable of reintegrating into society, and

(iii) whether it is appropriate in all the circumstances that such a person be released on parole.

(6) In nominating persons for appointment under this section, a nominating person or body referred to in *subsection (3)*, other than the Chief Justice—

(a) shall—

(i) subject to *subparagraph (ii)*, nominate a primary nominee of one sex and a substitute nominee of the other sex, and

(ii) in the case of the College of Psychiatrists of Ireland or the Psychological Society of Ireland, where the two members of the Board to be nominated by the body under *subsection (3)(d)* or *(e)*, as the case may be, are nominated at the same time, nominate one man and one woman,

and

(b) shall satisfy itself that its nominees meet the criteria specified in *subsection (5)*.

(7) In appointing members of the Board, the Minister shall—

(a) have regard to the objective of there being no fewer than 6 members who are women and no fewer than 6 members who are men, and

(b) appoint a substitute nominee referred to in *subsection (6)(a)* rather than a primary nominee of the nominating body concerned, but only where necessary in order to achieve that objective.

(8) In this section—

"Director of the Probation Service" means the person appointed by the Minister to the post of Director of the Probation Service;

"legal academic" means a permanent member of the academic staff of an educational establishment who—

(a) teaches one or more subjects in the field of law, or

(b) carries out, or supervises the carrying out of, research in one or more such subjects, whether or not in conjunction with the carrying on by him or her of administrative duties relevant to that teaching, research or supervision;

"educational establishment" means—

(a) a university to which the Universities Act 1997 applies,

(b) the Honorable Society of King's Inns, or

(c) the Law Society of Ireland,

and in computing, for the purposes of this section, any period that a person must have served as a legal academic, successive employment of the person by 2 or more of any of the foregoing educational establishments shall suffice.

Term of appointment of members of Board

11. (1) Subject to this section and *section 12*, a member of the Board shall hold office for the period of 4 years from the date of his or her appointment.

(2) (a) Of the members who are first appointed to be members of the Board, other than the chairperson, 7 members, who shall be selected by the drawing of lots by the chairperson at a meeting of the Board to be held

for that purpose as soon as may be after the establishment day, shall hold office for a term of 2 years from the date of their appointment.

(b) A member of the Board may be selected as one of the 7 members of the Board referred to in *paragraph (a)* notwithstanding the fact that he or she is not present at the meeting of the Board referred to in that paragraph.

(3) Each member of the Board shall be paid such remuneration (if any) and allowance for expenses (if any) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time determine.

(4) Subject to *subsection (5)*, a member of the Board whose term of office expires by the effluxion of time shall be eligible for reappointment as a member of the Board.

(5) A member of the Board who has served two terms of office shall not be eligible for reappointment to the Board.

(6) (a) Where a member of the Board dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned in the same manner as the member of the Board who occasioned the casual vacancy was appointed.

(b) A person appointed to be a member pursuant to *paragraph (a)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to *subsection (5)*, be eligible for reappointment as a member of the Board on the expiry of the said period.

(c) A term of office of the Board of any duration arising from an appointment under this subsection shall be regarded as a term of office for the purposes of *subsection (5)*.

Resignation, removal, disqualification, ineligibility etc. for office of member of Board

12. (1) A member of the Board may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.

(2) The Minister may, at any time, remove a member of the Board from office if the Minister is satisfied that—

(a) the member has become incapable through ill-health of performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the removal of the member appears to the Minister to be necessary for the effective performance by the Board of its functions.

(3) If a member of the Board is removed from office in accordance with *subsection (2)*, the Minister shall provide the member with a statement of reasons for the removal.

(4) A member of the Board shall cease to be qualified for office and shall cease to hold office as such a member if he or she—

(a) is convicted on indictment of an offence,

(b) is convicted of an offence involving fraud or dishonesty,

(c) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(d) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.

(5) Where a member of the Board—

(a) ceases to hold the office or position by virtue of which he or she was eligible to become a member of the Board,

(b) is nominated as a member of Seanad Éireann,

(c) is elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or

(d) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament,

he or she shall thereupon cease to be a member of the Board.

(6) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein, or

(b) a member of the European Parliament,

shall, while he or she is so entitled or is such a member, as the case may be, be disqualified for membership of the Board.

Powers of Board

13. (1) The Board shall have all such powers as are necessary or expedient for the purposes of its functions, including—

(a) to direct that a report in writing relating to the relevant person be prepared by such person as it considers appropriate,

(b) where it is considering an application for parole or the revocation of a parole order, to assign a legal representative to the relevant person unless he or she proposes to engage one,

(c) to meet with a relevant person for the purposes of interviewing him or her or receiving oral submissions from him or her or his or her legal representative,

(d) to receive written submissions from a relevant person or his or her legal representative,

(e) where it is considering an application for parole or the revocation of a parole order, to assign a legal representative to the relevant victim where he or she wishes to make submissions to the Board, unless he or she proposes to engage one,

(f) to meet with a relevant victim for the purposes of receiving oral submissions from him or her or his or her legal representative,

(g) to receive written submissions from a relevant victim or his or her legal representative, and

(h) to apply to the Courts Service for a transcript of a court hearing which was held for the purposes of the consideration or imposition by the court of a sentence on a relevant person.

(2) Without prejudice to the generality of *subsection (1)(a)*, the Board shall, for the purposes of considering an application for parole, the variation of a condition attaching to, or the date of release specified in, a parole order, or the revocation of a parole order, have the power to direct that a report in writing in respect of the relevant person be prepared and furnished to it by or on behalf of—

(a) the Irish Prison Service,

(b) in the case of a parole applicant, the person in charge of—

(i) a designated centre,

(ii) a children detention school, or

(iii) any institution other than a prison,

in which the parole applicant has, during the course of the term of imprisonment in respect of which he or she is being considered for parole, been detained,

(c) the Probation Service,

(d) the Commissioner of the Garda Síochána,

(e) a psychologist,

(f) a person in a place outside the State who is entitled under the law of that place to practise psychology,

(g) a psychiatrist,

(h) a person in a place outside the State who is entitled under the law of that place to practise medicine in the field of psychiatry or child and adolescent psychiatry,

(i) a medical practitioner, or

(j) a person in a place outside the State who is entitled under the law of that place to practise medicine.

(3) Where the Board directs that a report be prepared pursuant to this section, it shall specify in its direction the matters to be dealt with in the report in respect of the relevant person which matters may include any one or more of the following:

(a) details of the sentence imposed on the relevant person and the manner in which it has been served to date;

(b) the conduct of the relevant person;

(c) in the case of a parole applicant—

(i) the risk or likelihood, if he or she were to be released on parole, of him or her—

(I) committing another criminal offence,

(II) failing to comply with conditions attaching to the parole order, or

(III) presenting an undue risk to the safety and security of members of the public (including the relevant victim),

(ii) the extent to which the person has been rehabilitated and would, if released on parole, be capable of reintegrating into society, or

(iii) whether it is appropriate in all the circumstances that such a person be released on parole;

(d) such other matter as the Board may consider necessary to assist it in its consideration of the application for parole or of the variation or revocation of the parole order, as the case may be.

(4) Where the Board directs a person or body referred to in *paragraph (a)*, *(b)*, *(c)* or *(d)* of *subsection (2)* to prepare a report pursuant to that subsection, the person or body referred to in the direction shall, insofar as is possible, prepare such a report and furnish it to the Board as soon as practicable.

(5) Where the Board applies to the Courts Service for a transcript of a court hearing pursuant to *subsection (1)(h)*, the Courts Service shall, insofar as is possible, provide a copy of the transcript to the Board as soon as practicable.

(6) The reasonable costs of a person who is directed under this section to prepare a report may be paid by the Board out of moneys at the disposal of the Board.

(7) A meeting between the Board and a relevant person may be conducted—

(a) in such place as the Board considers appropriate, including, where the person is detained in a prison, in that prison, and

(b) by such members of the Board, not fewer than 2 in number, as the chairperson may, in his or her discretion, determine.

(8) A meeting between the Board and a relevant victim may be conducted—

(a) in such place as the Board considers appropriate, and

(b) by such members of the Board, not fewer than 2 in number, as the chairperson may, in his or her discretion, determine.

(9) In this section and in *section 14*, "relevant person" means—

(a) where the Board is considering an application for parole, the parole applicant to whom the application relates, or

(b) where the Board is considering the variation of a condition attaching to, or the date of release specified in, a parole order, or the revocation of a parole order, the parolee to whom the order relates.

Procedures of Board

14. (1) The procedure of the Board in relation to the exercise of its functions shall, subject to the provisions of this Act, be such as shall be determined by the Board, and the Board shall, without prejudice to the generality of the foregoing, make provision for the following:

(a) the making, with the consent of the Minister and the Minister for Public Expenditure and Reform, of a scheme or schemes for the granting of legal aid to—

(i) parole applicants,

(ii) parolees, and

(iii) relevant victims who wish to make a submission to the Board,

for the purposes of the consideration by the Board of an application for parole or of the revocation of a parole order;

(b) giving the relevant person (within the meaning of *section 13(9)*) and his or her legal representative a copy of any document furnished to the Board by any person other than the relevant person, and an indication in writing of the nature and source of any information relating to the matter which has come to notice in the course of the application or consideration, as the case may be, other than where the Board is of the opinion that exceptional circumstances exist that warrant such a document or indication, as the case may be, not being so given;

(c) enabling the relevant person and his or her legal representative to attend a meeting with the Board as provided for under *section 13(1)(c)*;

(d) enabling the relevant person to present his or her case to the Board in person or through a legal representative;

(e) the persons who are required to be notified of any action taken under this Act and the manner in which they are to be so notified, including the notification of the relevant victim of an application for parole, which notification shall include an explanation of the process by which a person is considered by the Board for parole and details of how the victim may participate in that process;

(f) enabling the relevant victim to make submissions to the Board, whether in person, through his or her legal representative, or in writing—

(i) where the Board is considering an application for parole or the revocation of a parole order, or

(ii) where the Board considers it appropriate, where the Board is considering the variation of a condition attaching to, or the date of release in, a parole order;

(g) requiring the parole applicant to be given a copy of the draft decision of the Board in an application for parole and enabling him or her to make written submissions on the draft prior to its finalisation;

(h) specifying the time periods within which anything is required to be done under this Act, including the time period within which the Board shall make a determination on an application for parole;

(i) specifying conditions, where it considers it appropriate, to which all parolees, or a specified class of parolees, shall be subject;

(j) the keeping of statistical and other records relating to the exercise by it of its functions.

(2) In determining its procedures under *subsection (1)*, the Board shall have regard to the need for it to exercise its functions in an effective manner and in accordance with fair procedures.

(3) The Board shall publish procedures determined by it under this section in such manner as it considers appropriate.

Meetings

15. (1) The Board shall hold such and so many meetings as may be necessary for the due performance of its functions.

(2) The quorum for a meeting of the Board shall be 8.

(3) At a meeting of the Board—

(a) the chairperson shall, if present, be chairperson of the meeting, and

(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the members of the Board present shall choose one of their members to act as chairperson of the meeting.

(4) Each member of the Board, including the chairperson, present at a meeting of the Board shall have a vote.

(5) At a meeting of the Board, a question on which a vote is required shall be determined by a majority of the votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(6) Subject to *subsection (2)*, the Board may act notwithstanding one or more vacancies among its members.

Liability of Board and chief executive

16. Neither—

(a) the Board, a member or former member of the Board, nor

(b) the chief executive or a former chief executive,

shall be liable in damages in respect of any act done or omitted to be done by it or him or her in the performance, or purported performance, of its or his or her functions under this Act, unless the act or omission concerned was done in bad faith.

Staff of Board

17. (1) The Minister may appoint such and so many of his or her officers as he or she may determine to be members of staff of the Board.

(2) The terms and conditions of service of a member of the staff of the Board shall be such as may be determined from time to time by the Minister with the approval of the Minister for Public Expenditure and Reform.

(3) There shall be paid by the Minister to the members of the staff of the F4**[**Board**]** such remuneration and allowances as, from time to time, the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

(4) The members of the staff of the Board shall perform their functions under the direction and control of the chief executive.

(5) Appointments under this section shall be subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005.

Chief executive of Board

18. (1) There shall be a chief executive officer of the Board (in this Act referred to as the "chief executive") who, subject to *subsections (2)* and *(3)*, shall be appointed by the Board with the consent of the Minister and the Minister for Public Expenditure and Reform.

(2) The Minister may, before the establishment day, designate a person to be appointed to be the first chief executive of the Board.

(3) If, immediately before the establishment day, a person stands designated by the Minister under *subsection (2)*, the Board shall appoint that person to be the first chief executive.

(4) The chief executive shall hold office under a written contract of service for such period as is specified in the contract, not exceeding 5 years, and subject to such terms and conditions (including terms and conditions relating to remuneration) as are specified in the contract, as may be determined by the Board with the approval of the Minister and the Minister for Public Expenditure and Reform.

(5) A contract referred to in *subsection (4)* may, at the discretion of the Board and with the consent of the Minister, be renewed, provided the aggregate of the periods for which the chief executive holds office thereunder shall not exceed 10 years.

(6) The chief executive shall—

(a) implement the policies, procedures and decisions of the Board,

(b) manage and control generally the Board's staff, administration and business,

(c) be responsible to the Board for the performance of his or her functions, and

(d) perform such other functions (if any) as may be required by the Board to be performed by him or her or as may be authorised under this Act.

(7) The chief executive may be removed or suspended from office by the Board, with the consent of the Minister, for stated reasons.

(8) The chief executive shall not be a member of the Board but may, in accordance with procedures determined by the Board, attend meetings of the Board and shall be entitled to speak at and give advice at such meetings.

(9) The chief executive shall provide the Board with such information, including financial information, in respect of the performance of the chief executive's functions as the Board may require.

(10) The chief executive shall not hold any other office or position in respect of which remuneration is payable, or carry on any business, trade or profession, without the consent of the Board given with the approval of the Minister.

(11) Such of the functions of the chief executive as the chief executive may specify may, with the consent of the Board, be delegated to such member or members of the staff of the Board as the chief executive may authorise for that purpose, and that member or those members of staff shall be accountable to the chief executive for the performance of the functions so delegated.

(12) The chief executive shall be accountable to the Board for the performance of functions delegated by him or her in accordance with *subsection (11)*.

(13) If the chief executive—

(a) dies, resigns, becomes disqualified for or is removed from office, or

(b) is for any reason temporarily unable to continue to perform his or her functions,

the Board may designate such member or members of the staff of the Board as it considers appropriate to perform the functions of the chief executive until—

(i) in the circumstances mentioned in *paragraph (a)*, a new chief executive is appointed in accordance with this section,

(ii) in the circumstances mentioned in *paragraph (b)*, the chief executive is able to resume the performance of his or her functions, or

(iii) the Board decides to revoke or alter a designation made under this subsection.

Superannuation

19. (1) The Board may, with the approval of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to or in respect of any person appointed chief executive who does not become a member of the Single Public Service Pension Scheme.

(2) A scheme under this section shall fix the time and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) The Board may, with the approval of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this section including a scheme under this subsection.

(4) A scheme under this section shall, if approved by the Minister for Public Expenditure and Reform, be carried out by the Board in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Public Expenditure and Reform, whose decision shall be final.

(6) No superannuation benefits shall be granted by the Board to or in respect of a person on ceasing to be the chief executive otherwise than—

(a) in accordance with a scheme or schemes under this section, or

(b) with the approval of the Minister for Public Expenditure and Reform.

(7) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(8) *Subsection (7)* shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme under this section.

(9) In this section—

"amending", in relation to a scheme under this section, includes revoking the scheme;

"superannuation benefit" means any pension, gratuity or other allowance payable to or in respect of a person ceasing to be the chief executive.

Accounts and audit

20. (1) The chief executive, under the direction of the Board, shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and spent by the Board, including an income and expenditure account and a balance sheet.

(2) The accounts of the Board shall be approved by it as soon as is practicable, but not later than 3 months after the end of the accounting period to which the accounts relate, and submitted by the Board to the Comptroller and Auditor General for audit.

(3) A copy of the accounts and report of the Comptroller and Auditor General on the accounts shall be presented to the Board and the Minister as soon as is practicable, and the Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas.

Accountability of chief executive to Public Accounts Committee

21. (1) The chief executive shall, whenever required in writing by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(a) the economy and efficiency of the Board in the use of its resources,

(b) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and

(c) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a) or (b)) that is laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Accountability of chief executive to other Oireachtas Committees

22. (1) In this section "Committee" means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—

(a) the Committee referred to in *section 21*,

(b) the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann, or

(c) a subcommittee of a committee referred to in *paragraph (a)* or *(b)*.

(2) Subject to *subsection (3)*, the chief executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Board.

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(5) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion—

(a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)* applies, or

(b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(6) Pending the determination of an application under *subsection (5)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the chief executive shall attend before the Committee to give account for the matter.

(8) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Reports

23. (1) As soon as may be after the end of each year beginning with the year in which the establishment day falls, but not later than 6 months thereafter, the Board shall prepare and submit a report (in this section referred to as the "annual report") in writing to the Minister of its activities during that year and not later than one month after such submission, the Minister shall cause copies thereof to be laid before each House of the Oireachtas.

(2) Notwithstanding *subsection (1)*, if but for this subsection, the first report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months after the end of that year.

(3) The Board shall ensure that, as soon as practicable after copies of the annual report are laid before the Houses of the Oireachtas, the report is published in such manner as the Board considers appropriate.

PART 3

The Parole Process

Eligibility for Parole

24. (1) Subject to this section and *section 6(2)*, the following persons shall be eligible for parole:

(a) a person serving a sentence of imprisonment for life who has served at least 12 years of that sentence;

(b) a person serving a sentence of imprisonment of a term equivalent to or longer than such term as is prescribed in regulations made by the Minister under *subsection (3)*, who has served at least such portion of the sentence as may be prescribed by the Minister in accordance with that subsection.

(2) *Subsection (1)* shall apply to a person regardless of whether the sentence of imprisonment being served by the person was imposed prior to or after the commencement of this section.

(3) The Minister may, for the purposes of *subsection (1)(b)*, following consultation with the Board, by regulations prescribe—

(a) a term of imprisonment of not less than 8 years, and

(b) the portion of such a term to be served by a person prior to becoming eligible for parole.

(4) In making regulations under *subsection (3)*, the Minister shall have regard to—

(a) the objective of ensuring that there is an incentive for persons serving sentences of imprisonment to be rehabilitated,

(b) the availability to persons serving sentences of imprisonment of such a term of other forms of early release from prison and the extent to which the objective referred to in *paragraph (a)* is achieved by such other forms of early release,

(c) the desirability of the early release from prison of a person being decided upon by an independent body,

(d) the desirability of equality of treatment with regard to eligibility for consideration for parole, insofar as is possible, between persons serving sentences of imprisonment for life and persons serving sentences of imprisonment for a determinate term, and between persons serving sentences of imprisonment for determinate terms of differing lengths, and

(e) the capacity of the Board to consider an increased number of applications for parole.

(5) Where a person has made an application for parole and the application has been refused by the Board under *section 30*, the person shall not be eligible again for parole prior to the date specified in the decision of the Board pursuant to *subsection (1)(b)* of that section.

(6) Where a parole order relating to a person has been revoked under *section 33*, the person shall not be eligible again for parole prior to the date specified in the decision of the Board pursuant to *subsection (5)(b)(iii)* of that section.

(7) A person who has been sentenced to a term of imprisonment and has been transferred to a designated centre pursuant to section 15 of the Act of 2006 shall not be eligible for parole while he or she is detained in the designated centre.

(8) Where a person has been sentenced to two or more terms of imprisonment to be served concurrently, the eligibility of the person for parole shall be determined by reference to the longest sentence being served by the person.

(9) Where a person has been sentenced to two or more terms of imprisonment, each of determinate length, to be served consecutively, the eligibility of the person for parole shall be determined by reference to the cumulative length of the terms of imprisonment.

(10) Where a person has been sentenced to a term of imprisonment for life and one or more terms of imprisonment of determinate length to be served consecutively with the term of imprisonment for life, the person shall be eligible for parole when he or she has served 12 years of the sentence of imprisonment for life.

(11) Where a person is serving a minimum term of imprisonment within the meaning of section 27C of the Firearms Act 1964, he or she shall not be eligible for parole before the expiry of such minimum term.

(12) Where a person is serving a sentence of imprisonment under section 27(3A) of the Misuse of Drugs Act 1977, in respect of which the court specified a minimum term of imprisonment to be served by the person pursuant to subsection (3C) F5**[**...**]** of that section, he or she shall not be eligible for parole before the expiry of such minimum term.

(13) Where a person is serving a term of imprisonment for an offence to which section 3 of the Criminal Justice Act 1990 applies, he or she shall not be eligible for parole before the expiry of a minimum period of imprisonment to be served by the person specified under section 4 of that Act.

(14) Where a person is serving a sentence of imprisonment imposed in accordance with section 25(1) of the Criminal Justice Act 2007 in respect of a subsequent offence within the meaning of that section, he or she shall not be eligible for parole before the expiry of the minimum term of imprisonment specified by the court in accordance with that subsection.

(15) Where a person is serving a sentence of imprisonment imposed in accordance with section 58(1) of the Criminal Law (Sexual Offences) Act 2017 in respect of a subsequent offence within the meaning of that section, he or she shall not be eligible for parole before the expiry of the minimum term of imprisonment specified by the court in accordance with that subsection.

Notification by Irish Prison Service of eligibility for parole

25. (1) The Irish Prison Service shall notify the Board in writing at intervals of not more than one year of the persons serving sentences of imprisonment who—

(a) are eligible for parole, whether for the first time or not, or

(b) to the knowledge of the Irish Prison Service, shall become so eligible in the period of 18 months following the date of the notification.

(2) Where a person becomes ineligible for parole by virtue of the operation of *subsection (7)*, *(8)*, *(9)*, *(10)*, *(11)*, *(12)*, *(13)*, *(14)* or *(15)* of *section 24*, the Irish Prison Service shall, as soon as practicable after it becomes aware of the person becoming so ineligible so notify the Board in writing.

(3) Where a person who became ineligible for parole by virtue of the operation of *subsection (7)*, *(8)*, *(9)*, *(10)*, *(11)*, *(12)*, *(13)*, *(14)* or *(15)* of *section 24* ceases to be so ineligible and is otherwise eligible for parole, the Irish Prison Service shall, as soon as practicable after it becomes aware of the person becoming eligible for parole so notify the Board in writing.

Application for parole

26. (1) Where a person is eligible for parole, or is scheduled to become so eligible, whether for the first time or not, the Board shall notify the person in writing—

(a) of the date on which he or she became or shall become, as the case may be, so eligible, and

(b) that he or she may make an application for parole in accordance with *subsection (3)*.

(2) The Board shall endeavour, insofar as is possible, to notify a person pursuant to *subsection (1)* no later than 6 months prior to the date on which he or she shall become eligible for parole.

(3) A person who is eligible for parole, or a person who is scheduled to become eligible for parole, may notify the Board in writing that he or she wishes to be considered by the Board for parole (in this Act referred to as an "application for parole").

(4) Where a person who is scheduled to become eligible for parole makes an application for parole, the Board shall not consider the person's release on parole prior to the date on which he or she becomes so eligible.

Decision on parole

27. (1) Subject to *subsection (3)*, the Board may make an order that the parole applicant be released on parole (in this Act referred to as a "parole order"), where it is satisfied that—

(a) the parole applicant—

(i) would not, upon being released, present an undue risk to the safety and security of members of the public (including the relevant victim), and

(ii) has been rehabilitated and would, upon being released, be capable of reintegrating into society,

and

(b) it is appropriate in all the circumstances that the parole applicant be released on parole.

(2) The Board shall, in deciding whether to make a parole order in respect of a parole applicant, have regard to—

(a) the nature and gravity of the offence to which the sentence of imprisonment being served by the parole applicant relates,

(b) the sentence of imprisonment concerned and any recommendation of the court that imposed that sentence in relation thereto,

F6**[**(ba) without prejudice to *paragraphs (a), (b)* and *(c)* to *(m)*, in the case of a foreign sentence—

(i) any restriction, notified in writing to the Minister by the state in which the sentence was imposed, for the whole term of the sentence regarding the eligibility of the sentenced person to early or conditional release (including parole),

(ii) any condition, notified in writing to the Minister by the state in which the sentence was imposed, that means the eligibility of the sentenced person to early or conditional release (including parole) was conditional on his or her having served a specified term of imprisonment where the condition was as a result of—

(I) a decision or order by the court or tribunal that imposed the sentence,

(II) the operation of law of the state in which the sentence was imposed, or

(III) a decision of a body in the state in which the sentence was imposed, other than a body referred to in clause (I), on whom a power to make such a decision has been conferred by law,**]**

(c) the period of the sentence of imprisonment served by the parole applicant,

(d) any offence of which the parole applicant was convicted other than the offence to which the sentence of imprisonment being served by him or her relates,

(e) the conduct of the parole applicant—

(i) while serving the sentence of imprisonment,

(ii) while previously the subject of a parole order, if any,

(iii) while the subject of a direction under section 2 F6**[**or 2A**]** of the Act of 1960, if any, or

(iv) during a period of temporary release, if any, to which rules under section 2 of the Act of 1960, made before the coming into operation of the Criminal Justice (Temporary Release of Prisoners) Act 2003, applied,

(f) the risk of the parole applicant committing an offence while on parole,

(g) the risk of the parole applicant failing to comply with any conditions attaching to his or her release on parole,

(h) any treatment, education or training the parole applicant has undergone, or programmes he or she has participated in, while serving the sentence of imprisonment,

(i) any report relating to the parole applicant prepared and furnished to the Board pursuant to a direction in that regard under *section 13*,

(j) any meeting with the parole applicant conducted in accordance with procedures determined under *section 14*,

(k) any submissions made by or on behalf of the parole applicant, including any submissions made in relation to a draft decision on parole, in accordance with procedures determined under *section 14*,

(l) any submissions made by or on behalf of the relevant victim in accordance with procedures determined under *section 14*, and

(m) any such other matter as the Board considers appropriate.

(3) The Board shall not make a parole order in respect of a parole applicant where—

(a) the release of the parole applicant from prison is prohibited by or under any enactment, whether passed before or after the coming into operation of this section, or

(b) the parole applicant has been charged with, or convicted of, an offence and is in custody pursuant to an order of a court remanding him to appear at a future sitting of a court.

F6**[**(4) For the purposes of *subsection (2)(b)*, a reference in that subsection to any recommendation of the court that imposed the sentence shall, in the case of a foreign sentence, be construed as a reference to any recommendation of the court or tribunal in the state that imposed the sentence.

(5) In this section, "foreign sentence", means—

(a) a sentence of imprisonment for life, or

(b) a sentence of imprisonment of a term equivalent to or longer than such term as may be prescribed in regulations made by the Minister under *section 24(3)*,

that is imposed by a court or tribunal in a state, other than the State, the enforcement of which has been transferred to the State and thereafter continued in accordance with a committal order within the meaning of the Transfer of Sentenced Persons Act 1995, the Transfer of Execution of Sentences Act 2005 or Part 3 of the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023, as the case may be.**]**

Parole order

28. (1) A parole order shall—

(a) be in writing,

(b) specify the person to whom it relates,

(c) direct that the person shall be released on parole on or before such date as may be specified in the order, which date shall be not more than 18 months from the date of the making of the order, and

(d) direct that the release on parole of the person shall be subject to—

(i) such conditions, if any, as may be specified in the order, having regard to the circumstances of the case,

(ii) such conditions, if any, as are specified in procedures determined under *section 14* and are applicable to the person to whom the order relates or the class of persons to which he or she belongs, and

(iii) the condition that the person does not commit an offence while on parole.

(2) A parole order shall not include, other than to the extent the Board considers it necessary, any information that identifies, or could identify, a relevant victim or his or her place of residence.

(3) A parole order shall have effect—

(a) where the person is serving one sentence of imprisonment for a determinate term only—

(i) until the sentence of imprisonment expires,

(ii) until the order is revoked, or

(iii) for so long as the order is not suspended under *section 34(3)*,

(b) where the person is serving two or more sentences of imprisonment, each of a determinate term, to be served concurrently—

(i) until the longest sentence of imprisonment being served by the person expires,

(ii) until the order is revoked, or

(iii) for so long as the order is not suspended under *section 34(3)*,

(c) where the person is serving two or more sentences of imprisonment, each of a determinate term, to be served consecutively—

(i) until the sentence of imprisonment to be served last by the person expires,

(ii) until the order is revoked, or

(iii) for so long as the order is not suspended under *section 34(3)*,

or

(d) where the person is serving a sentence of imprisonment for life, until the order is revoked or for so long as it is not suspended under *section 34(3)*.

(4) Without prejudice to the generality of *subsection (1)(d)(i)*, a parole order may specify that the release of the person to whom it relates on parole shall be subject to any one or more of the following conditions:

(a) that the person submit to supervision by the Probation Service;

(b) that the person resides or remains in a particular district or place in the State;

(c) that the person refrains from attending at such premises or other place as the order may specify;

(d) that the person refrains from having any contact with such person or persons as the order may specify.

(5) A person released on parole pursuant to a parole order shall comply with any conditions to which his or her release is made subject.

(6) Where the Board makes a parole order, it shall, as soon as practicable after the making thereof—

(a) provide a copy of the order to—

(i) the parole applicant to whom it relates,

(ii) the Irish Prison Service,

(iii) the relevant governor,

(iv) the Probation Service, and

(v) the Commissioner of the Garda Síochána,

(b) notify the Minister in writing of the making of the order, and

(c) where it considers it appropriate, notify the relevant victim in writing of the making of the order and of any conditions attaching to such release which relate to the victim.

Compliance by relevant governor with parole order

29. Where a parolee is detained in a prison, the relevant governor shall comply with the parole order, and shall make and keep a record in writing of the order.

Refusal of application for parole

30. (1) A decision of the Board to refuse an application for parole shall—

(a) be in writing,

(b) specify a date, not later than 2 years after the date of the making of the decision, on which the person to whom the decision relates shall become eligible again for parole,

(c) include reasons for the decision, and

(d) not include any information that identifies, or could identify, a relevant victim or his or her place of residence.

(2) Where the Board refuses an application for parole, the Board may, where it considers it appropriate, specify in its decision so refusing measures in respect of the management of the sentence of the person to whom the decision relates which the Board is of the opinion would assist the person in making a future successful application for parole under this Act.

(3) Measures specified under *subsection (2)* —

(a) shall be addressed to the Irish Prison Service, and

(b) shall not be binding.

(4) Where the Board refuses an application for parole, it shall, as soon as practicable after the making of the decision in relation to the application—

(a) provide a copy of the decision, to—

(i) the parole applicant to whom it relates,

(ii) the Irish Prison Service, and

(iii) the relevant governor,

and

(b) where the Board considers it appropriate, notify the relevant victim in writing of the making of the decision.

Variation of parole order

31. (1) The Board may at any time, of its own motion or on application in that behalf by a person specified in *subsection (2)*, vary—

(a) a condition attaching to a parole order, whether by the alteration, addition or revocation of a condition, or

(b) where the parolee has not yet been released on parole, the date specified in the parole order by which he or she shall be so released.

(2) An application to vary a parole order under *subsection (1)* may be made by or on behalf of—

(a) the parolee,

(b) the Probation Service,

(c) the Irish Prison Service,

(d) the Commissioner of the Garda Síochána,

(e) the Minister, or

(f) such other person as the Board considers appropriate.

(3) A decision of the Board in respect of the variation of a condition attaching to a parole order or of a date for release specified in a parole order, as the case may be, shall—

(a) be in writing,

(b) include reasons for the decision, and

(c) not include, other than to the extent the Board considers it necessary, any information that identifies, or could identify, a relevant victim or his or her place of residence.

(4) Where the Board varies a condition attaching to a parole order—

(a) the variation shall take effect from a date to be specified in the decision so varying, and

(b) the variation shall have effect from that date as a condition of the parole order to which it is attached.

(5) Where the Board varies a date for release specified in a parole order, the date as so varied shall be deemed to be the date specified in the order in accordance with *section 28(1)(c)* as the date on or before which the person shall be released on parole.

(6) The Board shall, as soon as practicable after the making of a decision in relation to the variation of a condition attaching to a parole order or the date of release specified in a parole order, as the case may be, under this section—

(a) provide a copy of the decision to—

(i) the parolee,

(ii) the Irish Prison Service,

(iii) the relevant governor,

(iv) the Probation Service, and

(v) the Commissioner of the Garda Síochána,

(b) notify the Minister in writing of the making of the order, and

(c) where it considers it appropriate, notify the relevant victim in writing of the making of the decision and of any condition so varied of relevance to him or her or the date of release so varied, as the case may be.

Specification of condition attaching to parole order

32. (1) Where the Board specifies a condition to which all parolees, or a specified class of parolees, shall be subject pursuant to procedures determined in accordance with *section 14(1)(i)* the Board shall, as soon as practicable after so specifying the condition—

(a) notify in writing the Minister and each parolee who shall be subject to the condition so specified, of—

(i) the condition so specified, and

(ii) the date on which the condition shall take effect,

(b) where it considers it appropriate, notify the relevant victim of each such parolee in writing of any condition so specified of relevance to him or her and the date on which the condition shall take effect, and

(c) notify in writing the persons specified in *subsection (2)* of—

(i) the condition so specified,

(ii) the date on which the condition shall take effect, and

(iii) the parolees who shall be subject to the condition.

(2) The Board shall notify the following persons in accordance with *subsection (1)(c)*:

(a) the Irish Prison Service;

(b) the Probation Service;

(c) the Commissioner of the Garda Síochána.

(3) A condition to which all parolees, or a specified class of parolees, shall be subject that is specified by the Board pursuant to procedures determined in accordance with *section 14(1)(i)* shall—

(a) take effect, for each parolee to whom it relates, from the date specified in the notification given to that parolee pursuant to *subsection (1)(a)*, and

(b) have effect from that date as a condition attaching to the parole order relating to the parolee.

Revocation of parole order

33. (1) The Board may at any time, of its own motion or on application in that behalf by a person specified in *subsection (2)*, revoke a parole order where it is satisfied that—

(a) the parolee who is the subject of the order—

(i) poses an undue risk to the safety and security of the public, or

(ii) has breached a condition attaching to the order,

and

(b) the revocation of the order is justified by the gravity of the risk or breach of the condition, as the case may be.

(2) An application to revoke a parole order under *subsection (1)* may be made by or on behalf of—

(a) the Probation Service,

(b) the Irish Prison Service,

(c) the Commissioner of the Garda Síochána,

(d) the Minister, or

(e) such other person as the Board considers appropriate.

(3) The Board shall, in considering whether to revoke a parole order, have regard to such matters as it considers appropriate, including—

(a) the circumstance giving rise to the consideration of the revocation,

(b) any report relating to the parolee prepared and furnished to the Board pursuant to a direction in that regard under *section 13*,

(c) any meeting with the parolee conducted in accordance with procedures determined under *section 14*,

(d) any submissions made by or on behalf of the parolee in accordance with procedures determined under *section 14*, and

(e) any submissions made by or on behalf of the relevant victim in accordance with procedures determined under *section 14*.

(4) The Board may, where it is considering the revocation of a parole order and is not satisfied of the matters specified in *subsection (1)(a)* and *(b)*, vary a condition attaching to the parole order or the date of release specified in the order and the provisions of *subsections (3)* to *(6)* of *section 31* shall apply to the variation with all necessary modifications.

(5) A decision of the Board in respect of the revocation of a parole order shall—

(a) be in writing,

(b) where the Board decides to revoke the parole order, specify—

(i) the time and date at which the revocation shall take effect,

(ii) where the person to whom the decision relates is not detained in prison, the time and date at which, and the place to which, the person is to return to prison, and

(iii) a date, not later than 2 years after the date of the making of the decision, on which the person shall become eligible again for parole,

(c) include reasons for the decision, and

(d) not include, other than to the extent the Board considers it necessary, any information that identifies, or could identify, a relevant victim or his or her place of residence.

(6) The Board shall, as soon as practicable after the making of a decision in relation to the revocation of a parole order—

(a) provide a copy of the decision to—

(i) the parolee,

(ii) the Irish Prison Service,

(iii) the relevant governor,

(iv) the Probation Service, and

(v) the Commissioner of the Garda Síochána,

and

(b) notify the Minister and, where it considers it appropriate, the relevant victim, in writing of the making of the decision.

(7) Where the Board decides under this section to revoke a parole order which has been suspended pursuant to *section 34(3)*, the suspension of the parole order shall continue to have effect until the time and date specified in the decision of the Board at which the revocation shall take effect pursuant to *subsection (5)(b)(i)*.

(8) Where the Board decides under this section not to revoke a parole order which has been suspended pursuant to *section 34(3)*, the suspension of the parole order shall cease to have effect.

Persons unlawfully at large

34. (1) A person who, by reason of having been released on parole, is at large shall be deemed to be unlawfully at large if—

(a) a condition to which his or her release was made subject has been broken, or

(b) his or her parole order is revoked and he or she fails to return to the place specified, at the time and date specified, in the decision so revoking pursuant to *section 33(5)(b)(ii)*.

(2) A person who is unlawfully at large shall be guilty of an offence under this section and on summary conviction thereof shall be liable to imprisonment for a term not exceeding 6 months.

(3) Where, by reason of the breach of a condition to which his or her release on parole was made subject, a person is deemed to be unlawfully at large and is arrested under *section 35*, the parole order pursuant to which he or she was released shall thereupon stand suspended pending a decision of the Parole Board under *section 33* as to whether the parole order should be revoked.

(4) The currency of the sentence of a person who is unlawfully at large for any period shall be suspended in respect of the whole of that period.

Arrest of person unlawfully at large

35. A member of the Garda Síochána may arrest without warrant a person whom he or she suspects to be unlawfully at large and may take such person to the place in which he or she is required in accordance with law to be detained.

Consideration of revocation of parole order of person unlawfully at large

36. (1) Where a person has been arrested under *section 35*, the Irish Prison Service shall notify the Board of the person's arrest as soon as practicable thereafter.

(2) Where the Board is notified under *subsection (1)* of a person's arrest, the Board shall, as soon as practicable after being so notified, consider whether the parole order relating to the person should be revoked pursuant to *section 33*.

PART 4

Miscellaneous

Amendment of Criminal Justice Act 2007

37. Section 25(8) of the Criminal Justice Act 2007 is amended—

(a) in paragraph (b), by the substitution of "in prison," for "in prison, or",

(b) in paragraph (c), by the substitution of "Criminal Justice Act 1960, or" for "Criminal Justice Act 1960.", and

(c) by the insertion of the following paragraph after paragraph (c):

"(d) released on parole within the meaning of the *Parole Act 2019*.".

Amendment of Defamation Act 2009

38. Section 17 of the Defamation Act 2009 is amended—

(a) in subsection (2)—

(i) in paragraph (w), by the substitution of "State, or" for "State.", and

(ii) by the insertion of the following paragraphs after paragraph (w):

"(x) made in the course of the consideration by the Parole Board of—

(i) an application for parole, or

(ii) the variation or revocation of a parole order,

where the statement is connected with that consideration, or

(y) contained in a decision of the Parole Board, or a notification of such a decision, pursuant to the *Parole Act 2019* or a parole order.",

and

(b) by the insertion of the following subsection after subsection (3):

"(4) In this section, 'application for parole' and 'parole order' have the meanings they have in the *Parole Act 2019*.".

Amendment of Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

39. Section 31(1)(a) of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is amended—

(a) in subparagraph (ii), by the substitution of "Criminal Justice Act 1960," for "Criminal Justice Act 1960, or", and

(b) by the insertion of the following subparagraph after subparagraph (ii):

"(iia) the offender is released on parole within the meaning of the *Parole Act 2019*, or".

Amendment of Criminal Law (Sexual Offences) Act 2017

40. Section 58(7) of the Criminal Law (Sexual Offences) Act 2017 is amended—

(a) in paragraph (b), by the substitution of "in prison," for "in prison, or",

(b) in paragraph (c), by the substitution of "Criminal Justice Act 1960, or" for "Criminal Justice Act 1960.", and

(c) by the insertion of the following paragraph after paragraph (c):

"(d) released on parole within the meaning of the *Parole Act 2019*.".

Amendment of Criminal Justice (Victims of Crime) Act 2017

41. Section 8 of the Criminal Justice (Victims of Crime) Act 2017 is amended—

(a) in subsection (2)(m)—

(i) by the insertion of the following subparagraphs after subparagraph (iv):

"(iva) any application for parole by the person,

(ivb) any release of the person on parole and any conditions attaching to such release which relate to the victim, and",

and

(ii) in subparagraph (v), by the substitution of "in custody, on temporary release from prison under section 2 or 3 of the Act of 1960 or on parole" for "in custody or on temporary release from prison under section 2 or 3 of the Act of 1960",

and

(b) by the insertion of the following subsection after subsection (8):

"(9) In this section, 'application for parole' and 'parole' have the meanings they have in the *Parole Act 2019*.".

Number 28 *of* 2019

PAROLE ACT 2019

REVISED

Updated to 1 November 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.