



ANGUILLA

**PAROLE OF PRISONERS (VALIDATION AND
AMENDMENT) ACT, 2023**

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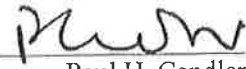
PAROLE OF PRISONERS (VALIDATION AND AMENDMENT) ACT, 2023

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I Assent



Paul H. Candler
Governor (Acting)

25 July 2023
Date

ANGUILLA

NO. 20/2023

PAROLE OF PRISONERS (VALIDATION AND AMENDMENT) ACT, 2023

[Gazette Dated: 25th July, 2023] [Commencement: Assent under section 57 of the Constitution]

An Act to validate all acts done under and pursuant to the Parole of Prisoners Act, R.S.A c. P3 prior to the publication of the Commencement Notices to bring the Acts into operation.

ENACTED by the Legislature of Anguilla

PRELIMINARY

Interpretation

1. In this Act—

“the Act” means the Parole of Prisoners Act, R.S.A. c. P3.

Validation of Parole Board etc.

2. (1) The appointments of the members of the Parole Board referred to in Table 1, Column 1 of the Schedule shall for the period referred to in Table 1, Column 2 of the Schedule, be deemed to have been validly made, as if such appointments were made in accordance with sections 2(1) and (2) of the Parole of Prisoners Act.

(2) The appointments of the members of the Parole Board referred to in Table 2, Column 2 of the Schedule shall for the period referred to in Table 2, Column 2 of the Schedule be deemed to have been validly made, as if such appointments were made in accordance with section 2(8) of the Parole of Prisoners Act.

(3) Every decision, act, or proceeding of the Parole Board pursuant to the exercise of any power, duty or function under the Act, during the period beginning 3rd January 2021 until the coming into force of this Act, shall be deemed to be lawful and valid as if the members of the Board were lawfully appointed.

Repeal and replacement of section 2

3. (1) The principal Act is amended by repealing section 2 and replacing it with the following—

“Constitution and Procedure of the Board

2. (1) The Parole Board is established and shall consist of 5 members appointed by the Governor in Council.

(2) In appointing the members the Governor in Council shall endeavour to ensure that they are appointed from each of the following categories—

- (a) an attorney-at-law formerly engaged in the practice of criminal law;
- (b) a social worker, psychologist, psychiatric nurse, or other mental health professional or a person who has experience in, or was formerly engaged in social work, psychology, psychiatric nursing or other mental health professional work.;
- (c) a religious leader;
- (d) a person with experience in law enforcement but who is not a public officer; and
- (e) a member of the general public.

(3) The Governor in Council shall appoint a second person in relation to each category of persons referred to in subsection (2)(a) to (e), hereinafter referred to as “alternate members” to serve as alternates on the Board in the event that a member is absent from Anguilla, ill, or otherwise unable to discharge his functions or has an interest in the case of a prisoner.

(4) The Governor in Council shall appoint one member referred to in subsection (2) as the Chairperson.

(5) The members and alternate members shall serve for a term of 2 years and shall be eligible for re-appointment.

(6) A member or alternate member may at any time resign his office by notice in writing to the Governor.

(7) Where an alternate member, appointed as an alternate in a particular category is unable to attend a meeting in the absence of the member in the same category, a second alternate member in a different category may attend the meeting in their absence to obtain quorum.

(8) When a vacancy occurs in the membership of the Board, the Governor in Council may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.

(9) Where an appointment is made under subsection (8), the Governor in Council shall endeavour to appoint a person from the same category of persons specified in subsection (2) as the member in respect of whom the vacancy occurs.

(10) If the Governor in Council is unable to appoint a person from a category referred to in subsection (2), when making an appointment under subsections (2), (3) or (8), the Governor in Council may appoint a person whom the Governor in Council believes is suitably qualified to be a member or alternate member.

(11) The Governor in Council may revoke the appointment of a member or alternate member who is unable or unwilling to perform his duties as a member, or in such other circumstances as the Governor in Council considers appropriate.

(12) At a meeting of the Board—

(a) when the matter concerns a prisoner serving a sentence of imprisonment for an offence set out in Schedule 1, all members must be present to constitute a quorum; and

(b) in any other matter, any 3 members shall constitute a quorum;

but subject thereto the Board is not disqualified from carrying out its functions by reason of any vacancy in membership.

(13) The Chairperson shall preside at meetings of the Board, but in the event of his absence from a meeting, the members present shall appoint another member to preside at that meeting.

(14) Subject to the provisions of this section and section 7, the members of the Board may regulate the conduct of the proceedings of the Board in such manner as they think fit, but on any matter on which the votes of the members present are equally divided the person presiding at the meeting shall have a second or casting vote.

(15) An administrative officer working in the Anguilla Public Service shall be appointed by the Board as the recording secretary to the Board and shall provide general secretarial assistance to the Chairperson and keep accurate and complete minutes of each meeting of the Board including particulars of—

(a) the notice to members of each meeting;

(b) the members in attendance and the members not in attendance;

(c) any decision or recommendation made and the members voting on it or abstaining from voting on it.

(16) An alternate member shall be deemed to be a member of the Board for the purpose of this Act when he serves on the Board in the absence of a member.”.

Repeal and replacement of section 20

4. (1) The principal Act is amended by repealing section 20 and replacing it with the following—

“Expenses of the Board

20. (1) Members of the Board and the recording secretary to the Board shall receive such remuneration or allowance as may be prescribed by the Governor in Council and the cost thereof and any other expenses of the Board shall be defrayed out of money authorised for that purpose by the House of Assembly.

(2) For the avoidance of doubt an alternate member shall receive remuneration or allowance referred to in subsection (1) when such alternate member serves on the Board in the absence of a member.”.

Amendment of Schedule 1

5. The principal Act is amended in Schedule 1 by deleting the section heading and substituting it with the following—

“SCHEDULE

Table 1
(Section 2(1))

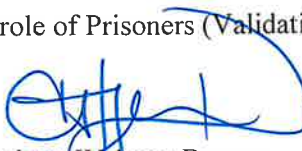
	Name of Members of the Parole Board	Term of Appointment
(a)	Mr Ronald Scipio (Chairperson) - Lawyer with experience in criminal law	3 January 2021- 2 January 2022
(b)	Mrs Rhonda Connor - Mental Health Professional	3 January 2021- 2 January 2023 20 March 2023- 23 March 2023
(c)	Mr Hubert M. Hughes - Law Enforcement Professional	3 January 2021- 2 January 2023 20 March 2023- 23 March 2023
(d)	Rev Egbert Dunstan Richardson - Religious Leader	3 January 2021- 2 January 2023
(e)	Mr Seymour Hodge - Member of the Community	3 January 2021- 2 January 2023
(f)	Mr. Don Mitchell K.C	20 March 2023- 23 March 2023
(g)	Bishop Samuel Daniels	20 March 2023- 23 March 2023
(h)	Ms Vanessa Croft	20 March 2023- 23 March 2023

Table 2
(Section 2(2))

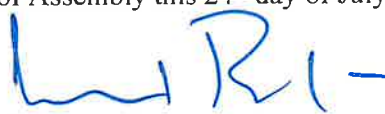
#	Alternate members in attendance	Date (Date of Hearing)
1	Hyacinth Bradley	28 Jan 2021-7 Feb 2021
2	Hyacinth Bradley	25 Feb 2021-16 Mar 2021
3	Hyacinth Bradley Vanessa Croft	22 Jul 2021-16 Aug 2021
4	Hyacinth Bradley Vanessa Croft	31 Jan 2022-22 Feb 2022
5	Hyacinth Bradley	24 Feb 2022-16 Mar 2022
6	Hyacinth Bradley Vanessa Croft	17 Mar 2022-21 Apr 2022
7	Hyacinth Bradley Vanessa Croft	21 June 2022-27 June 2022
8	Hyacinth Bradley Vanessa Croft	30 June 2022"

Citation

6. This Act may be cited as the Parole of Prisoners (Validation and Amendment) Act, 2023.


Barbara Webster-Bourne
Speaker

Passed by the House of Assembly this 24th day of July, 2023.


Lenox J. Proctor
Clerk of the House of Assembly