

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,867, 9 ta' Frar, 2012

Taqsimha B

A.L. 65 tal-2012

ATT DWAR IL-ĠUSTIZZJA RIPARATRIĊI

(KAP. 516)

Regolamenti tal-2012 dwar il-Bord tal-Parole

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 44 tal-Att dwar il-Ġustizzja Riparatrici, il-Ministru tal-Ġustizzja, Konsultazzjoni Pubblika u l-Familja għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2012 Titolu.
dwar il-Bord tal-Parole.

2. F'dawn ir-regolamenti sakemm ir-rabta tal-kliem ma Tifsir.
teħtiegħ xort'ohra:

"applikant" tirreferi għal prigionier li qed japplika għal liċenza tal-parole;

"applikazzjoni" tfisser applikazzjoni minn prigionier eliġibbli li japplika għal parole, għal-liċenza tal-parole;

"l-Att" tfisser l-Att dwar il-Ġustizzja Riparatrici; Kap. 516.

"Bord" tfisser il-Bord tal-Parole;

"Chairman" tfisser iċ-Chairman tal-Bord tal-Parole kif imsemmi fl-Att;

"dossier" tfisser il-parole dossier kif imsemmi fl-artikolu 13 tal-Att;

"ħabs" għandha l-istess tifsira mogħtija lilha skont l-Att dwar il- Kap. 260.
ħabs;

"prigionier" tfisser persuna li tkun qed tiskonta sentenza fil-ħabs;

"Offender Assessment Board" tirreferi għall-Offender Assessment Board maħtur skont l-artikolu 3 tal-Att;

"sejħa lura temporanja" tfisser is-sejħa lura ta' min ikun fuq il-parole wara li jsir rapport skont ir-regolament 5(1);

"Skrivan tal-Parole" għandha l-istess tifsira mogħtija lilha skont l-artikolu 2 tal-Att, liema skrivan ikun uffiċjal pubbliku;

"l-Uffiċjal ta' Kollegament" tirreferi għall-persuna maħtura skont l-artikolu 26(2) tal-Att;

"l-Uffiċjal tal-Parole" għandha l-istess tifsira mogħtija lilha

B 514

skont l-artikolu 2 tal-Att.

Dmirijiet tal-
Iskrivan tal-
Parole.

3. (1) Meta applikazzjoni tasal l-Uffiċċju tal-Iskrivan tal-*Parole*, l-applikazzjoni għandha titniżżel f'registru magħmul apposta u tingħata numru ta' referenza, u l-applikant għandu jingħata konferma ta' dan bil-miktub.

(2) L-Iskrivan tal-*Parole* malli jirċievi applikazzjoni kif imsemmi f'dan ir-regolament, għandu minnufih jinforma lill-Uffiċċjal ta' Kollegament, lill-Unità tal-*Parole* u lit-Taqsima tal-Ħarsien u l-Integrazzjoni mill-Ġdid.

(3) L-Iskrivan tal-*Parole* għandu jissottometti lill-Bord id-*dossier* tal-applikant, malli jkun żgurat li d-*dossier*, miġbur skont il-htigiet tal-artikolu 13 tal-Att, huwa disponibbli.

(4) Waqt il-qadi ta' dmirijetu, l-Iskrivan tal-*Parole* għandu:

(a) jkollu aċċess għar-rekords kollha rilevanti li għandhom x'jaqsmu mal-applikazzjoni, inklużi dawk miżmuma mill-Pulizija, mill-Qorti, mis-Servizzi Korrettivi, mis-Servizzi tal-*Probation* u kull awtorità oħra rilevanti; u

(b) jkun marbut bil-prinċipju ta' kunfidenzjalità, u m'għandux jiżvela xi tagħrif personali dwar xi applikant, minbarra għal raġunijiet provduti fl-Att u f'dawn ir-regolamenti.

Proċeduri tal-
Bord.

4. (1) Il-Bord ma għandux ikun taħt l-ebda awtorità ta' xi korp ieħor waqt it-twertieq tal-funzjonijiet tiegħu.

(2) Waqt li jkun qed iwettaq ix-xogħol tiegħu, il-Bord għandu jirregola l-proċeduri tiegħu stess:

Izda l-Bord għandu mill-inqas jiltaqa' darba fix-xahar, u aktar ta' spiss meta u jekk ikun hemm il-bżonn sabiex jiġu valutati applikazzjonijiet pendenti għal *parole* u rapporti ta' ksur tal-liċenza tal-*parole*.

(3) Sabiex jinbdew u jitkomplew il-proċeduri ta' laqgħa tal-Bord, in-numru tal-membri preżenti tal-Bord għandu jkun għallinqas ħamsin fil-mija u wieħed minn numru totali tal-membri tal-Bord.

(4) Meta applikazzjoni tinbagħat lill-Bord mill-Iskrivan tal-*Parole*, għandha tiġi segwita l-proċedura li ġejja:

(a) iċ-*Chairman* għandu jkollu d-diskrezzjoni biex jiddeċiedi fuq in-numru tal-każijiet li għandhom jiġu mnizzla fl-

agenda tal-laqgħa sabiex tittiehed deċiżjoni dwar l-applikazzjonijiet;

(b) l-Uffiċjal ta' Kollegament, Unità tal-*Parole*, l-*Offender Assessment Board* u l-Pulizija għandhom jiġu notifikati bid-data ta' meta l-applikazzjoni għandha tinstema' quddiem il-Bord u għandhom l-obbligu biex jagħddu lill-Bord xi informazzjoni li tkun meqjusa rilevanti għall-applikazzjoni.

5. (1) Fil-każ ta' rapport ta' ksur ta' liċenza tal-*parole*, sottomess skont l-artikolu 16(1) tal-Att, iċ-*Chairman* jew ir-rappreżentant tiegħu, għandhom joħorġu sejha lura temporanja. Is-sejha lura temporanja, liema sejha għandha tiġi eżegwita mill-Pulizija, ma għandhiex taqbeż il-perjodu ta' sebat ijiem ta' xogħol.

Proċedura fil-każ ta' ksur ta' liċenza tal-*parole*.

(2) Meta jkun qed jiġi deċiż każ wara li jkun hemm sejha lura, il-Bord jista', jew jattiva mill-ġdid il-liċenza tal-*parole*, jew jemenda l-liċenza tal-*parole*, jew jissospendi l-liċenza tal-*parole*.

(3) Fil-każ ta' ksur tal-liċenza tal-*parole*, il-Bord għandu jiddeċiedi biss fuq kwistjonijiet ta' fatt u mhux fuq kwistjonijiet legali.

(4) Waqt il-proċeduri, l-Uffiċjal tal-*Parole* għandu jippreżenta l-fatti tal-allegat ksur iżda ma għandux jassumi l-funzjoni ta' prosekutur. L-Uffiċjal tal-*Parole* jista', fil-fatt, jiġi msejjah bhala xhud.

(5) Jekk min ikun fuq il-*parole* jinstab hati ta' ksur tal-liċenza tal-*parole* u d-deċiżjoni tal-Bord tkun hekk li min ikun fuq il-*parole* jiġi msejjah mill-ġdid sabiex ikompli l-parti tas-sentenza tiegħu li għaliha inghatatlu *parole*, il-Pulizija għandhom jiġu mitluba sabiex jwettqu din is-sejha mill-ġdid.

(6) Id-deċiżjoni tal-Bord għandha tintbagħat lid-Direttur responsabbli għal *Parole*, lid-Direttur responsabbli għas-Servizzi Korrettivi u lill-Kummissarju tal-Pulizija.

6. (1) Waqt li tkun qed issir valutazzjoni ta' applikazzjoni, il-Kap responsabbli għat-Taqsima tal-*Harsien* u r-*Riintegrazzjoni*, jew ir-rappreżentant tiegħu, għandhom ikunu preżenti waqt il-proċeduri sabiex jikkjarifikaw xi fatt jew jieħdu xi azzjoni kif rakkomandat mill-Bord.

Valutazzjoni ta' applikazzjonijiet mill-Bord.

(2) Jekk l-Uffiċjal ta' Kollegament ikun indika l-intenzjoni tiegħu sabiex jitkellem għan-nom tal-vittma, huwa jingħata l-opportunità sabiex jagħmel hekk quddiem il-Bord waqt il-valutazzjoni tiegħu.

(3) Waqt li tkun qed issir valutazzjoni ta' applikazzjoni, il-każ għandu jiġi kunsidrat fuq il-merti tiegħu stess, u l-ebda referenza għal xi każ simili ieħor m'għandha tiġi magħmula fir-rigward ta' difiża għal, jew kontra, xi applikazzjoni.

(4) Meta tkun qed tiġi valutata l-applikazzjoni, għandha tingħata konsiderazzjoni xierqa mill-Bord għall-valutazzjonijiet inklużi fid-*dossier*, kull rapport sottomess mill-Uffiċjal tal-*Parole*, kif ukoll ir-rakkomandazzjoni tal-*Offender Assessment Board*.

(5) Meta jingħata l-*parole*, il-Bord jista' jimponi fil-liċenza tal-*parole* kull kundizzjoni li jidirlhu li tkun meħtieġa. Dawn il-kundizzjonijiet għandhom jiġu spjegati bl-lingwaġġ ordinarju lil min ikun fuq il-*parole* mill-Iskrivan tal-*Parole*.

(6) Id-deċiżjoni tal-Bord għandha tkun finali:

Iżda, fil-każ li l-Bord jiċhad li jagħti l-*parole*, l-applikant għandu jkun intitolat li jippreżenta applikazzjoni oħra wara li jgħaddu sitt xhur mid-deċiżjoni tal-Bord.

(7) Mhux aktar tard minn ġimgħa wara d-deċiżjoni tal-Bord, l-Iskrivan tal-*Parole* għandu jibgħat kopja tad-deċiżjoni lid-Direttur responsabbli għas-servizzi ta' *Probation* u ta' *Parole*, lid-Direttur tas-Servizzi Korrettivi, lill-applikant, lill-Uffiċjal ta' Kollegament, u lill-Pulizija .

(8) Meta tkun qed tiġi valutata applikazzjoni, il-Bord jista' jqis il-kriterji li ġejjin bħala fatturi pożittivi:

(a) l-fatt li l-applikant wera l-intenzjoni tiegħu mill-ewwel biex isegwi l-pjan ta' kura mhejji mill-*Offender Assessment Board*;

(b) il-fatt li l-applikant xtaq jiltaqa' mal-vittma tiegħu u jagħmel tajjeb għal xi danni li soffriet;

(c) l-eżistenza ta' ftehim ta' riparazzjoni u l-implimentazzjoni attwali tal-pattijiet u l-kundizzjonijiet li jinsabu fih;

(d) il-progress li sar waqt li jkunu qed jagħmlu programmi ta' rijabilitazzjoni u ta' integrazzjoni mill-ġdid inklużi fil-pjan ta' kura tal-applikant;

(e) xi programmi addizzjonali ta' rijabilitazzjoni u ta' integrazzjoni mill-ġdid, inkluż kull attività edukattiva, professjonali, reliġjuża jew oħrajn li jkunu saru mill-applikant

matul l-inkarċerazzjoni tiegħu, anki jekk dan il-programm jew din l-attività ma kinux inklużi fil-pjan ta' kura tiegħu;

(f) l-imġieba tajba jew eżemplari tal-applikant fil-habs.

7. (1) Meta l-Bord jirċievi rapport ta' ksur tal-liċenza tal-*parole* skont l-artikolu 19(h) tal-Att, il-Bord:

Proċeduri tal-Bord meta jkun qed jivvaluta rapport ta' ksur ta' liċenza tal-*parole*.

(a) għandu jsejjaħ laqgħa malajr kemm jista' jkun imma mhux aktar tard minn jumejn ta' xogħol minn meta jkun irċieva r-rapport;

(b) jista' jharrek l-Uffiċjal tal-*Parole* u kull xhud iehor biex jixhdu fuq il-fatti rilevanti għall-ksur;

(ċ) jista' jsejjaħ lil min ikun fuq *parole* biex jixhed u jisma' l-gustifikazzjonijiet tiegħu, jekk ikun hemm; u

(d) għandu jiddeċiedi jekk għandux jemenda, jissospendi jew jirrevoka l-liċenza ta' *parole*.

(2) Kull deċiżjoni tal-Bord għandha tiġi spjegata f'lingwaġġ ordinarju lil min ikun fuq *parole* mill-Iskrivan tal-*Parole*.

8. (1) Meta liċenza tal-*parole* tiġi emendata, il-Bord għandu minnufih jinforma lid-Direttur responsabbli għas-servizzi ta' *Probation* u ta' *Parole*, l-Uffiċjal tal-*Parole*, lill-Pulizija, lill-Uffiċjal ta' Kollegament, lid-Direttur tas-Servizzi Korrettivi, lill-applikant, lill-Uffiċjal ta' Kollegament, u lil min ikun fuq il-*parole* bil-kundizzjonijiet fil-liċenza tal-*parole* emendata.

Emenda ta' liċenza tal-*parole*.

(2) Il-liċenza tal-*parole* emendata għandha tinkludi klawsola li tgħid li kull ksur iehor tal-kundizzjonijiet, jekk jiġi pprovat, jwassal għall-inkarċerazzjoni immedjata ta' min ikun fuq il-*parole* u d-data, jekk ikun hemm, meta l-prigunier jerga jkun eliġibbli għal *parole*.

9. (1) Is-sospensjoni tal-liċenza tal-*parole* għandha ssir meta min ikun fuq il-*parole* jikser xi kundizzjoni tal-*parole* jew meta l-Bord jidhirlu li jkun meħtieġ u raġonevoli li jissospendi l-liċenza tal-*parole* sabiex ma jsirx xi ksur ta' xi kundizzjoni fil-liċenza tal-*parole* jew biex jiproteġi lis-soċjetà.

Sospensjoni tal-liċenza tal-*parole*.

(2) Meta liċenza tal-*parole* tiġi sospiżta, il-Bord għandu jordna biex min ikun fuq *parole* jitregġa lura l-habs minnufih sakemm is-sospensjoni tiġi irtirata.

(3) Il-Bord għandu jiddeċiedi dwar l-perjodu li matulu l-liċenza tal-*parole* għandha tiġi sospiżta, liema perjodu m'għandux idum iktar

B 518

miż-żmien ta' meta s-sentenza ta' min wettaq reat tkun skadiet skont il-liġi.

Revoka tal-
liċenza tal-
parole.

10. Meta tiġi revokata liċenza tal-*parole*, min ikun fuq *parole* għandu minnufih jitregga lura l-ħabs biex iservi l-perjodu li jkun fadal mis-sentenza oriġinali tiegħu, inkluż iż-żmien li matulu kien ibbenefika mill-*parole*.

Post għas-seduti
tal-Bord.

11. (1) Il-Bord għandu jiltaqa' fil-facilità korrettiva.

(2) Waqt is-seduti, id-Direttur tas-Servizzi Korrettivi għandu jagħmel disponibbli numru ta' uffiċjali tas-servizzi korrettivi għal għanijiet ta' sigurtà u għall-għan li jarresta min jikkommetti reat jekk tiġi sospiża jew revokata liċenza tal-*parole*.

(3) Waqt is-seduti, l-Iskrivan tal-*Parole* għandu jirrikordja l-proċeduri u dak ir-rekord, li għandu jkun bil-miktub, għandu jiġi ffirmat miċ-*Chairman* u mill-Iskrivan tal-*Parole*. Ir-rekord għandu jinkludi l-kwistjoni taht reviżjoni, lista ta' xhieda li nstemgħu, u d-deċiżjoni tal-Bord.

Ġurament tal-
Kariga.

12. Kull membru tal-Bord għandu, kif jieħu l-kariga, jieħu l-ġurament tal-kariga preskritta fl-Ewwel Skeda, liema ġurament tal-kariga għandu jittiehed quddiem il-Kummissarju b'setgħa li jagħti Ġurament.

Attenzenza.

13. Id-Direttur tas-Servizzi Korrettivi u l-Uffiċjal ta' Kollegament jistgħu jattendu s-seduti kollha tal-Bord.

Ftehim tal-
Parole.

14. Il-liċenza tal-*parole* għandha tkun inkluża fil-Ftehim tal-*Parole*, li għandha tkun fil-format stabbilita fit-Tieni Skeda.

Fejn jitqieghed
min ikun fuq il-
parole fuq
xogħol ta'
servizz fil-
kommunità

15. Għall-finijiet tal-lokazzjoni ta' fejn jitqieghed min ikun fuq il-*parole* fuq xogħol ta' servizz komunitarju kif provdut fil-*proviso* mal-artikolu 12 tal-Att, il-Bord għandu jirreferi l-każ lid-Direttur.

SKEDA
[Regolament 12]

Forma ta' ġurament li jittiehed mill-membri tal-Bord tal-Parole

Jiena li ġejt maħtur *Chairman*/Membru tal-Bord tal-*Parole*..... naħlef/niddikjara solennement li jiena bil-fedeltà kollha u imparzjalment, u mill-aħjar li nista' naqdi d-dmir u x-xogħol li jmissni bis-saħħa tal-imsemmija haħtra.

Hekk Alla jgħini.

.....
(Firma ta' membru tal-Bord)

.....
(Kummissarju b'setgħa li jagħti Ġurament)

.....
(data)

TIMBRU

B 520

IT-TIENI SKEDA
[Regolament 14]
Regolamenti dwar il-Bord tal-Parole

FTEHIM TAL-PAROLE

Illum, l-applikazzjoni għal-liċenza tal-*parole* ippreżentata minn (isem u kunjom) (hawn taħt imsemmi "*min ikun fuq Parole*"), bin-numru tal-Karta tal-Identità..... u joqgħod gie kkunsidrat mill-Bord tal-*Parole* imwaqqaf skont l-Att dwar il-Ġustizzja Riparatriċi.

Bis-saħħa tal-imsemmi Att, il-Bord tal-*Parole* qiegħed b'dan jagħti liċenza tal-*parole* lill-persuna hawn fuq imsemmija fuq il-kundizzjonijiet mogħtija hawn taħt, b'effett minn.....

Li ġej għandhom iservu bħala kundizzjonijiet minimi:

1. Rappurtar/Helsien:

(Skont id-deċiżjoni tal-Bord)

2. Residenza:

(Skont id-deċiżjoni tal-Bord)

3. Kooperazzjoni:

(Skont id-deċiżjoni tal-Bord)

4. Vjaġġar barra mill-Istat:

(Skont id-deċiżjoni tal-Bord)

5. Impjieg/Programm:

(Skont id-deċiżjoni tal-Bord)

6. Kundizzjonijiet Speċjali:

(Skont id-deċiżjoni tal-Bord)

7. Id-Data tal-Iskadenza tal-Parole tieghek hi:

Din il-liċenza tal-*parole* qed tingħata lilek, u tiġi aċċettata, minnek, soġġett għal kundizzjonijiet imsemmija hawnhekk, u bl-għarfien li l-Bord tal-*Parole* għandu s-setgħa li, f’kull hin, f’każ ta’ ksur ta’ xi kundizzjoni tal-*parole*, jikkawża r-ritorn tieghek il-ħabs.

.....
Chairman, Bord tal-Parole

.....
 (data)

FTEHIM MINN MIN IKUN FUQ PAROLE

Jiena qrajt, jew inqraw lili, il-kundizzjonijiet tal-liċenza tal-*parole* tiegħi, u fhimthom bi sħiħ u jiena naċċetta illi inharishom u nsegwihom strettament.

Jien qed nifhem bi sħiħ il-penali involuti jekk jien, b’xi mod, nikser il-kundizzjonijiet li ġejjin.

Min ikun fuq *parole*:

.....

Uffiċjal Xhud (Skrivan tal-*Parole*):

.....
 (isem sħiħ)

Datat:

B 522

L.N. 65 of 2012

**RESTORATIVE JUSTICE ACT
(CAP. 516)**

Parole Board Regulations, 2012

IN exercise of the powers conferred by article 44 of the Restorative Justice Act, the Minister for Justice, Dialogue and the Family has made the following regulations:-

- Citation. **1.** The title of these regulations is the Parole Board Regulations, 2012.
- Interpretation. **2.** In these regulations, unless the context otherwise requires:
- Cap. 516. "the Act" means the Restorative Justice Act;
- "applicant" refers to the prisoner applying for the Parole licence;
- "application" means an application for the Parole licence by a prisoner eligible to apply for parole;
- "Board" means the Parole Board;
- "Chairman" means the Chairman of the Board referred to in the Act;
- "*dossier*" means the Parole *dossier* referred to in article 13 of the Act;
- "prisoner" means a person who is serving a sentence in prison;
- "Liaison Officer" refers to the person appointed under article 26(2) of the Act;
- "Offender Assessment Board" refers to the Offender Assessment Board appointed under article 3 of the Act;
- "Parole Clerk" has the same meaning as is assigned to it in article 2 of the Act, who shall be a public officer;
- "Parole Officer" has the same meaning as is assigned to it in article 2 of the Act;
- Cap. 260. "prison" has the same meaning as is assigned to it in the Prisons Act;
- "temporary recall" means the recalling of the parolee upon a

report mentioned in regulation 5(1).

3. (1) When an application is received at the Parole Clerk's office, the application shall be listed in a special register and given a reference number, and the applicant shall be given an acknowledgement in writing. Duties of the Parole Clerk.

(2) The Parole Clerk shall immediately inform the Liaison Officer, the Parole Unit and the Care and Re-integration Unit on receiving an application as referred to in this regulation.

(3) The Parole Clerk shall submit to the Board the applicant's *dossier*, upon ascertaining that the *dossier*, compiled as required by article 13 of the Act, is available.

(4) In the performance of his duties, the Parole Clerk shall:

(a) have access to all relevant records pertaining to the application, including those kept by the Police, the Courts, the Correctional Services, the Probation Services and any other relevant authority; and

(b) be bound by confidentiality, and shall not divulge any personal information on any applicant, except as provided for in the Act and in these regulations.

4. (1) In carrying out its functions, the Board shall not be under the authority of any other body. Board proceedings.

(2) In conducting its functions, the Board shall regulate its own proceedings:

Provided that the Board shall meet at least once a month, and at shorter intervals when and if so deemed necessary to evaluate pending applications and reports of breach of the parole licence.

(3) In order to commence and continue proceedings in a Board meeting, the number of Board members present shall be at least fifty per cent plus one of the total number of Board members.

(4) When an application is forwarded to the Board by the Parole Clerk, the following procedure is to apply:

(a) it shall be the discretion of the Chairman to decide on the number of cases to be inserted in the agenda of the meeting to decide on applications;

(b) the Liaison Officer, the Parole Unit, the Offender

B 524

Assessment Board and the Police shall be notified of the date when the application would be heard before the Board and they shall be obliged to forward to the Board any information deemed relevant to the application.

Proceedings in cases of breaches of parole licence.

5. (1) In cases of a report for breaches of the parole licence, submitted in terms of article 16(1) of the Act, the Chairman or his representative shall issue a temporary recall. The temporary recall, which shall be executed by the Police, shall not exceed a period of seven working days.

(2) When deciding the case following a recall, the Board may either re-activate the Parole licence, or it may amend the Parole licence, or suspend the Parole licence.

(3) In cases of a breach of the parole licence, the Board shall only decide on matters of fact and not on matters of law.

(4) During the proceedings, the Parole Officer shall present the facts of the alleged breach but shall not assume the function of a prosecutor. The Parole Officer may, in fact, be summoned as a witness.

(5) If the parolee is found guilty of a breach of the parole licence and the Board's decision is that the parolee be recalled to continue the part of his sentence for which he was granted parole, the Police shall be requested to effect such recall.

(6) The Board's decision shall be communicated to the Director responsible for Parole, the Director responsible for Correctional Services and the Commissioner of Police.

Evaluation of applications by the Board.

6. (1) During the evaluation of an application, the Manager responsible for the Care and Re-integration Unit, or his representative, shall be present during the proceedings in order to clarify any matter or take any action as recommended by the Board.

(2) If the Liaison Officer has signified his intention to speak on behalf of the victim, he shall be afforded the opportunity to do so before the Board during its evaluation.

(3) When evaluating an application, the case shall be considered on its own merits, and no reference to any other similar case shall be made either in defence of, or against, such application.

(4) When evaluating the application, due consideration shall be given by the Board to the assessments included in the *dossier*, any reports submitted by the Parole Officer, as well as the

recommendation of the Offender Assessment Board.

(5) When granting parole, the Board may impose in the Parole Licence any conditions it may deem necessary. These conditions shall be explained in ordinary language to the parolee by Parole Clerk.

(6) The Board's decision shall be final:

However, in the case of a refusal by the Board to grant parole, the applicant shall be entitled to lodge another application after the lapse of six months from the Board's decision.

(7) By not later than one week after the Board's decision, the Parole Clerk shall forward a copy of the decision to the Director of Probation and Parole Services, the Director of Correctional Services, the applicant, the Liaison Officer, and the Police.

(8) When evaluating an application, the Board may consider the following criteria as positive factors:

(a) the fact that the applicant had immediately signified his intention to follow the care plan prepared by the Offender Assessment Board;

(b) the fact that the applicant wished to meet his victim and make good for any damages suffered;

(c) the existence of a reparation agreement and the actual implementation of the terms and conditions contained therein;

(d) the progress made in undergoing rehabilitative and re-integration programmes included in the applicant's care plan;

(e) any additional rehabilitative and re-integration programmes, including any educational, vocational, religious or other activity carried out by the applicant during his incarceration, even though such programme or activity was not included in his care plan;

(f) the applicant's good or exemplary behaviour in prison.

7. (1) When the Board receives a report of a breach of a parole licence in terms of article 19(h) of the Act, the Board:

(a) shall convene a meeting as soon as possible but not later than two working days from receipt of the report;

Board proceedings when evaluating a report of a breach of a parole licence.

B 526

(b) may summon the Parole Officer and any other witnesses to testify on the facts relevant to the breach;

(c) may summon the parolee to give evidence and hear his justifications, if any; and

(d) shall decide whether to amend, suspend or revoke the parole licence.

(2) Any decision by the Board shall be explained in ordinary language to the parolee by the Parole Clerk.

Amendment of a parole licence.

8. (1) When a parole licence is amended, the Board shall immediately inform the Director of Probation and Parole services, the Director of Correctional Services, the Parole Officer, the Police, the Liaison Officer and the parolee, of the conditions in the amended parole licence.

(2) The amended parole licence shall include a clause stating that any further breach of conditions, if proved, will result in the immediate incarceration of the parolee and the date, if any, when the prisoner shall once again become eligible for parole.

Suspension of a parole licence.

9. (1) The suspension of a parole licence shall be made when a parolee breaches a condition of parole or when the Board deems it necessary and reasonable to suspend the parole licence in order to prevent a breach of any condition in the parole licence or to protect society.

(2) When a parole licence is suspended, the Board shall order the immediate recommitment of the parolee to prison until the suspension is withdrawn.

(3) The Board shall decide on the period during which the parole licence shall be suspended, which period shall not last till the time when the sentence of the offender has expired according to law.

Revocation of a parole licence.

10. When a parole licence is revoked, the parolee shall be immediately recommitted to prison to serve the remaining period of his original sentence, including the time during which he had benefitted from parole.

Location for Board sittings.

11. (1) The Board shall meet at the correctional facility.

(2) During the sittings, the Director of Correctional Services shall make available a number of correctional officers for security purposes and for the purpose of apprehending an offender should a parole licence be suspended or revoked.

(3) During the sittings, the Skrivan tal-Parole shall record the proceedings and such record, which shall be in writing, shall be signed by the Chairman and the Skrivan tal-Parole. The record shall include the matter under review, a list of witnesses heard, and the Board's decision.

12. Each member of the Board shall, on taking office, take the oath of office prescribed in the First Schedule, which oath of office shall be taken before a Commissioner for Oaths. Oath of Office.

13. The Director of Correctional Services and Uffiċjal ta' Kollegament may attend all Board sittings. Attendance.

14. The parole licence shall be included in the Parole Agreement, which shall be in the format set out in the Second Schedule. Parole Agreement.

15. For the purposes of the location of the placement of the parolee for community service work as provided in the proviso to article 12 of the Act, the Bord tal-Parole shall refer the case to the Director. Placement of parolee for community service work.

B 528

FIRST SCHEDULE
(Regulation 12)
OATH OF OFFICE OF PAROLE BOARD MEMBERS

Form of oath to be taken by the chairman and members of the Parole Board

I having been appointed as Chairman/Member of the Parole Board do swear/solemnly affirm that I will faithfully, fully, impartially and to the best of my ability discharge the trust and perform the duties devolved upon me by virtue of the said appointment.

So help me God.

.....
(Signature of Board member)

.....
(Signature of Commissioner for Oaths)

.....
(date)



**SECOND SCHEDULE
(Regulation 14)
Parole Board Regulations**

PAROLE AGREEMENT

Today, the application for Parole licence filed by (name and surname) (hereunder referred to as "the Parolee"), bearing Identity Card Number and residing at was considered by the Parole Board set up by virtue of the Restorative Justice Act.

By virtue of the said Act, the Parole Board is hereby granting a Parole Licence to the afore-mentioned person on the conditions laid down hereunder, effective from

The following shall serve as minimum conditions:

1. Reporting/Release:

(As per Board's decision)

2. Residence:

(As per Board's decision)

3. Cooperation:

(As per Board's decision)

4. Out-of-State Travel:

(As per Board's decision)

5. Employment/Program:

(As per Board's decision)

B 530

6. Special Conditions:

(As per Board's decision)

7. Your Parole Expiration Date is:

This parole licence is granted to, and accepted by, you, subject to the conditions stated herein, and with the knowledge that the Parole Board has the power, at any time, in case of violation of any of the conditions of parole, to cause your return to prison.

.....
Chairman, Parole Board

.....
(date)

AGREEMENT BY PAROLEE

I have read, or have had read to me, the conditions of my parole licence, and I fully understand them and I agree to abide by and strictly follow them.

I fully understand the penalties involved should I, in any manner, violate the foregoing conditions.

Parolee:

Officer Witness (Parole Clerk):
(full name)

Dated:

