

[2020] PBRA 93

Application for Reconsideration by Gibson

Application

1. This is an application by Gibson (the Applicant) for reconsideration of a decision of a three-member panel, dated 24 June 2020, not to recommend that he be moved to open conditions following an oral hearing.
2. I have considered the application on the papers. These consisted of the dossier running to 366 pages, the decision letter, and a two page letter from the Applicant that sets out his application for reconsideration.
3. Rule 28(1) of the Parole Board Rules 2019 provides that applications for reconsideration may be made in eligible cases either on the basis (a) that the decision is irrational and/or (b) that it is procedurally unfair.

Background

4. The Applicant was sentenced to life imprisonment on 12 October 2004 for murder. The tariff was set at 18 years (with allowance for time on remand) and will expire on 15 April 2022.

Request for Reconsideration

5. The application for reconsideration is dated 28 June 2020.
6. The grounds for seeking a reconsideration take issue with the risk assessment of the Panel (and the method by which they arrived at it).

Current parole review

7. The Secretary of State referred the Applicant's case to the Parole Board in December 2018. The terms of the referral make clear that this is a 'pre-tariff sift'. Due to the Applicant's tariff, the Panel were not invited to consider whether or not the Applicant could be released.
8. In the circumstances, it is not necessary to set out the history of the review in any detail.

The Relevant Law

Parole Board Rules 2019

9. Under Rule 28(1) of the Parole Board Rules 2019 the only kind of decision which is eligible for reconsideration is a decision that the prisoner is or is not suitable for release on licence. As noted above, this was not a case where the Panel could have directed release.
10. For that reason, there is no power to consider the merits (or otherwise) of the Applicant's complaint as the decision which he complains about is outwith the scope of the reconsideration mechanism.

The reply on behalf of the Secretary of State

11. The Secretary of State has confirmed that he has no representations to make in response to the application.

Decision

12. For the reasons I have given, the decision complained about is not one which is within the scope of the reconsideration mechanism.
13. Accordingly, the application for reconsideration is refused.

Daniel Bunting
15 July 2020