



Justice Committee

The Baroness Levitt KC Parliamentary Under-Secretary of State for Justice

By email only

24 March 2026

Dear Baroness Levitt,

STATUTORY INSTRUMENT TO AMEND PAROLE BOARD RULES

Thank you for your letter dated 3 March 2026 regarding the statutory instrument (The Parole Board (Amendment) (No. 2) Rules 2026 (SI 2026 No. 204)) laid by the Government to amend the Parole Board Rules 2019. The Committee wanted to express its dissatisfaction with the department's approach detailed in your letter. We welcome your apology and the explanation of what has gone wrong. However, we remain concerned as to how the situation, where the department is now legislating to revoke two instruments that were only made in November 2025 and February this year, was allowed to arise in the first place.

As you acknowledge, it is unusual for a department to have to lay three SIs on the same subject in a matter of months. Once errors are identified it is right that the Government notifies Parliament and seeks to correct them as soon as possible. However, for the Committee to have confidence in the department's ability to use its delegated powers effectively, we would also ask for a more detailed explanation of how the department approached the process of amending these rules. We would be grateful if you could respond to the following questions:

- Could you explain why the department originally decided that "exceptional circumstances" was the appropriate standard to include for when an oral hearing should be held, in order to reflect the Supreme Court's judgment in *Osborn*, where the Court held that an oral hearing is required to be held "whenever fairness to the prisoner requires such a hearing in the light of the facts of the case and the importance of what is at stake"?
- Could you explain why the Government made a second instrument (The Parole Board (Amendment) Rules 2026 (SI 2026 No. 129)) on 11 February 2026 containing the "exceptional circumstances" standard, when the JCSI had published [its report](#) of 30 January 2026, which pointed out that this did not appear to achieve the department's policy objective of complying with *Osborn*?
- In your letter, you say that the "interaction with the *Osborn* judgment is complex". Can you provide some more information to explain the complexity referred to?



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- Have any prisoners been adversely affected by the confusion caused by two instruments which have now been revoked?
- Your letter mentions that the department is now considering its options on how to legislate to limit the availability of oral hearings in specific circumstances. Could you undertake to provide us with a briefing to set out the Government's plans before making any further secondary legislation on this issue?
- Would you set out the lessons that the department will take from this episode in order to prevent it occurring in the future?

We look forward to receiving your response. I would be grateful if you could provide this by Monday 13 April. We are copying in the Parole Board for information.

Yours sincerely,

Andy Slaughter MP

A handwritten signature in black ink, reading "Andy Slaughter", with a long horizontal flourish underneath.

Chair, Justice Committee