

**LAWS OF GUYANA**

**PAROLE ACT  
CHAPTER 11:08**

**Act  
24 of 1991**

**Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 16 ...	1/2012

**Note**  
**on**  
**Subsidiary Legislation**

**This Chapter contains no subsidiary legislation.**

## CHAPTER 11:08

## PAROLE ACT

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title.
2. Interpretation.
3. Establishment of Parole Board.
4. Functions of Board.
5. Release on licence of persons serving determinate sentences.
6. Release on licence of persons serving sentence of imprisonment for life, etc.
7. Revocation of licence.
8. Right to be informed of reasons for recall and to make representations.
9. Reference to Board.
10. Revocation of licence on conviction for certain offences.
11. Restrictions on right to release on licence any person whose licence has been revoked.
12. Application of sections 7 to 10 to certain cases of detention
13. Consequences of revocation of licence.
14. Procedure of Board.
15. Exemption.
16. Annual Report.
17. Power to make regulations

24 of 1991

**An Act to make provision for releasing convicted prisoners  
on parole and for matters connected therewith.**

[27<sup>th</sup> SEPTEMBER, 1991]

Short title.

1. This Act may be cited as the Parole Act.

Interpretation.

2. (1) In this Act—

“appellate court” means the Court of Appeal or the Full Court of the High Court;

“Board” means the Parole Board established by section 3;

“Judge” means a Judge of the High Court;

“licence” means a licence granted under section 5 (1) or 6 (1);

c. 11:01 “remission date”, in relation to a person serving a sentence of imprisonment or released on parole, and eligible for remission under the Prison Act, means the earliest day on which he would have been discharged from prison consequent on the remission of part of the sentence under that Act, if he had not been released on parole;

c. 10:01 “sentence of imprisonment” does not include a sentence of  
 c. 10:03 detention under the proviso to section 163 of the Criminal Law (Procedure) Act or under section 15 of the Juvenile Offenders Act.

(2) Any reference in this Act to releasing a convicted prisoner on parole shall be construed as a reference to releasing such prisoner on a licence granted under section 5 (1) or 6 (1).

Establishment  
 of Parole  
 Board.

3. (1) There is hereby established a board to be known as the Parole Board which shall consist of—

- (a) a chairman, who shall be a person who has been, or who is qualified to be a Puisne Judge of the High Court, to be appointed by the Minister;
- (b) two other members, to be appointed by the Minister, of whom—

- (i) one shall be a person who is a medical practitioner registered under any law relating to the registration of medical practitioners, having special qualifications or experience in psychiatry; and
  - (ii) one shall be a person, who in the opinion of the Minister is qualified as having had experience of, and shown capacity in matters relating to the supervision, or aftercare, of discharged prisoners;
- (c) the Director of Prisons *ex-officio*; and
- (d) a member of the Police Force, not below the rank of Assistant Commissioner, designated by the Commissioner of Police.

c. 11:01

(2) The Chairman of the Visiting Committee appointed for a prison under rule 2 of the Prison Rules made under the Prison Act shall be entitled to be present at, and to participate in the discussions of, any meeting of the Board for considering the question of releasing on licence any person serving a sentence of imprisonment in that prison and in that connection, and for that purpose, shall have all the rights, privileges and disabilities of a member of the Board.

(3) The terms and conditions of appointment of the chairman and each of the other members of the Board including any allowances or other remuneration payable to the Chairman and any of the members shall be such as may be determined by the Minister.

Functions of  
Board.

4. It shall be the duty of the Board to advise the

Minister with respect to—

- (a) the release on a licence under section 5 (1) or 6 (1), or the recall under section 7, of any person whose case has been referred to the Board by the Minister;
- (b) the conditions of any such licence, (whether originally specified or to be inserted subsequently) and the variation or cancellation of any of such conditions; and
- (c) any other matter, referred to the Board by the Minister, which is connected with the release of any person on a licence, or the recall, under section 7, of any person released on a licence or a condition of any licence.

Release on licence of persons serving determinate sentences.

5. (1) The Minister may, if recommended to do so by the Board on a reference made to it by him, release on licence a person serving a sentence of—

- (a) imprisonment, other than imprisonment for life or
- (b) detention imposed under section 15 of the Juvenile Offenders Act in respect of an offence of wounding with intent to cause grievous bodily harm:

c. 10:03

Provided that no such person shall be released on a licence under this section before he has served one-third period of his sentence or the specified period of the sentence, whichever expires the later.

(2) The Minister may specify in a licence under this section such conditions as he deems fit while releasing a

---

person on the licence and may after such release vary or cancel any such condition or insert a new condition.

(3) A licence under this section shall include a condition that the person released on licence shall be under the supervision of the officer in charge of the Police Station or the officer in charge of the Probation Office, or both such persons (hereinafter referred to as the supervising officer or officers) during the period specified in the licence and shall –

- (a) keep in touch with his supervising officer or officers in accordance with such instructions as may from time to time be given by such officer or officers: and
- (b) comply with the directions of his supervising officer or officers as to conduct.

(4) Any person released on a licence under subsection (1) shall comply with any conditions that may, for the time being, be specified in the licence under subsection (2).

(5) The Minister shall consult the Board before including in a licence while releasing a person under this section, or subsequently inserting in the licence, any condition or varying or cancelling any such condition; and for the purposes of this subsection the Minister shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of cases.

(6) Where a person is released on a licence under this section, the licence shall, unless it is previously revoked under section 7 or 10, remain in force until the expiry of the

date specified in the licence, such date being –

- (a) in the case of a sentence referred to in subsection (1)(a), the remission date; or
- (b) in the case of a sentence referred to in subsection (1) (b), the date on which such sentence expires.

(7) In this section “specified period” means twelve months, or such shorter period as the Minister may prescribe by regulations.

Release on licence of persons serving sentence of imprisonment for life, etc.

6. (1) The Minister may, if recommended to do so by the Board on a reference made to it by him, release on licence a person serving a sentence of –

- (a) imprisonment for life;
- c.10:01 (b) detention under the proviso to section 163 of the Criminal Law (Procedure) Act; or
- c. 10:03 (c) detention under section 15 of the Juvenile Offenders Act in respect of an offence of attempt to murder or manslaughter:

Provided that no such person shall be released on a licence under this section before he has served the specified period of the sentence.

(2) The Minister shall, before the case of a person serving any of the sentences mentioned in subsection (1) is referred to the Board, consult –

- (i) the Chancellor;



- (ii) the judge by whom the sentence was imposed on such person, if the judge is then holding any public office; and
- (iii) the Director of Public Prosecutions.

(3) Section 5 (2), (3), (4) and (5) shall apply in relation to a licence granted under this section as they apply in relation to a licence granted under section 5 (1).

c. 11:01

(4) Where a person serving a sentence referred to in subsection (1) (a) is released on a licence under this section, the licence shall, unless it is previously revoked under section 7 or 10, remain in force until the expiry of the period of the sentence or, where under the Prison Act he is entitled to remission of a portion of the sentence, the remission date in relation to him, whichever is the earlier.

(5) Where a person serving a sentence referred to in subsection (1)(b) or (c) is released on a licence under this section, the licence shall, unless it is previously revoked under section 7 or 10, remain in force until the date specified in the licence, such date being—

- (a) in the case of a sentence referred to in subsection (1)(b), a date specified by the President; or
- (b) in the case of a sentence referred to in subsection (1)(c), the date on which such sentence expires.

(6) In this section “specified period” means three years or such longer period as the Minister may prescribe by regulations.

Revocation of licence.

7. (1) Where, on a reference made by the Minister to the Board, it recommends the recall of any person who is subject to a licence granted under section 5 or 6, the Minister may revoke that person's licence and recall him to prison.

(2) The Board may, in recommending the recall, under subsection (1), of any person subject to a licence, take into account the contravention of any condition of the licence by the person.

(3) Notwithstanding that a licence granted to any person was not revoked under section 10(2) or (3) by the Judge, the magistrate or the appellate court before, or by, whom the person was convicted of an offence of the nature referred to in section 10 (2), after he was released on the licence, the Board may take the conviction into account in recommending the recall of the person under subsection (1).

(4) Where it appears to the Minister that is expedient in the public interest to revoke a licence granted to any person and recall him to prison before consultation with the Board is practicable, the Minister may revoke the licence granted to the person and recall him to prison.

Right to be informed of reasons for recall and to make re-presentations.

8. (1) A person recalled to prison under section 7(1) or (4) shall, on his return to prison, be informed of the reasons for his recall and of his right to make representations to the Minister in respect of his recall.

(2) A person returned to prison after being recalled under section 7 (1) or (4) may make representations in writing to the Minister with respect to his recall.

Reference to Board.

9. (1) The Minister shall refer to the Board the case of every person—

- (a) returned to prison after being recalled under section 7(1), who makes

representations under section 8 (2); or

- (b) returned to prison after being recalled under section 7(4), whether such person has made any representations or not.

(2) Where the Board recommends the immediate release on licence of a person whose case is referred to it under this section, the Minister shall give effect to the recommendation.

(3) It shall not be necessary for the Minister to consult any of the persons mentioned in section 6 (2) before making any reference to the Board under subsection (1) or releasing any person on licence under subsection (2).

Revocation of licence on conviction for certain offences.

**10.** (1) Where a person subject to a licence is convicted of an offence, committed after he was released on the licence and which is punishable on indictment with death or imprisonment for life or for a term of, or exceeding, three years, whether the conviction was before a Judge or by a magistrate, the Judge or the magistrate, as the case may be, shall revoke his licence and commit him to prison.

(2) Where a person subject to a licence is, after he was released on the licence, convicted of an offence punishable with imprisonment (not being an offence of the nature referred to in subsection (1)) whether committed before or after he was so released, the Judge before, or the magistrate by whom he was convicted of the offence may revoke the licence and commit him to prison.

(3) Subsection (1) or (2), as the case may be, shall apply where an appellate court convicts a person on an appeal lodged against a decision dismissing a complaint as if that court is a magistrate convicting the person.

(4) Where a licence granted to a person is revoked under subsection (1), (2) or (3) by a Judge or a magistrate, or by an appellate court, consequent on the conviction of the person of an offence, the Judge, the magistrate or the appellate court, as the case may be, shall direct that any sentence of imprisonment imposed consequent on the conviction shall be undergone concurrently with, or shall commence at the expiration of, the period of imprisonment such person is required to undergo consequent on the revocation of the licence.

(5) Where on a conviction of any person of any offence the licence granted to him is revoked under subsection (1), (2) or (3) and such conviction is set aside on appeal or in other proceedings, the court setting aside the conviction may restore the licence, and on such restoration the licence shall be subject to the same conditions as were specified by the Minister when releasing the person on licence:

Provided that the Minister may vary or cancel any such condition or insert a new condition under section 5(2) or, as the case may be, under section 6(3) read with section 5(2).

(6) For the purposes of this section—

c. 11:05

- (a) a suspended sentence of imprisonment passed on any person under the Criminal Law Reform Act and a sentence of imprisonment imposed in lieu of non-payment of a fine shall be deemed to be a sentence of imprisonment;
- (b) reference to imprisonment shall be deemed to include reference to detention under the proviso to section 163 of the Criminal Law (Procedure)

c. 10:01 Act or under section 15 of the Juvenile  
 c. 10:03 Offenders Act;

c. 10:01 (c) the offences referred to in the proviso  
 c. 10:03 to section 163 of the Criminal Law  
 (Procedure) Act and section 15 of the  
 Juvenile Offenders Act shall be  
 deemed to be offences punishable on  
 indictment with imprisonment for a  
 term of, or exceeding, three years.

Restrictions on right to release on licence any person whose licence has been revoked. **11.** (1) Where a licence granted to a person under section 5(1) has been revoked under subsection 10(1), (2) or (3), the Minister shall not thereafter release him on a licence before the expiry of one year from the date of the revocation or before the expiry of one-third of the period during which the licence would have, but for the revocation, remained in force after the date of the revocation, whichever is the later.

(2) Where a licence granted to a person under section 6(1) has been revoked under section 10(1), (2) or (3), the Minister shall not thereafter release him on a licence before the expiry of three years from the date of the revocation or before the expiry of one-third of the period during which the licence would have, but for the revocation, remained in force after the date of the revocation, whichever is the later.

(3) Nothing in subsection (1) or (2) shall be deemed to prohibit the release of any person referred to therein otherwise than on a licence under this Act.

Application of sections 7 to 10 to certain cases of detention. c. 10:01 c. 10:03. **12.** Sections 7 to 10 (inclusive) shall have effect in their application to a person detained under the proviso to section 163 of the Criminal Law (Procedure) Act, or under section 15 of the Juvenile Offenders Act, and released on a licence under this Act, subject to the modification that any reference to a prison therein shall be deemed to be a reference to any place in which that person was detained immediately

before he was released on the licence.

Consequences  
of revocation of  
licence.

**13.** On the revocation of a licence under which any person was released under this Act, he shall be liable to be detained in pursuance of his sentence—

- (a) in prison, if the sentence was one of imprisonment; or (b) in any other case, in any place in which that person was liable to be detained immediately before he was released on the licence,

and, if at large, shall be deemed to be unlawfully at large.

Procedure of  
Board.

**14.** (1) The following provisions shall have effect with respect to the proceedings of the Board in relation to any case referred to it, that is to say—

- (a) the Board shall deal with the case on consideration of any documents given to it by the Minister and or any reports it has called for and any information, whether oral or in writing, that it has obtained; and
- (b) if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may request one of its members to interview him and shall take into account the report of the interview by that member.

(2) The documents to be given by the Minister to the Board under subsection (1) shall include—

- 
- (a) where the case referred to the Board is one of release on licence of any person under section 5 or 6, any written representations made, in accordance with the regulations made by the Minister, by the person in connection with or since his last interview;
  - (b) where the case referred to the Board is one of release on licence of any person under section 6, the views expressed by the persons referred to in section 6 (2), in respect of such release of the person, on being consulted by the Minister; and
  - (c) where the case so referred relates to a person recalled to prison under section 7, any written representations made under section 8.

(3) The Board or the Minister is not required to inform the person referred to in section 5 (1) or 6 (1), the reason for refusing to release him on a licence.

(4) Subject to the provisions of this Act the Minister may, by regulations, make provisions with respect to the proceedings of the Board in relation to cases referred to it under this Act.

(5) The quorum for a sitting of the Board shall consist of the chairman of the Board and two of the other members of the Board.

(6) Subject to this Act and the regulations made by the Minister, the Board may regulate its own procedure and may make rules in that behalf.

Exemption.

15. (1) The Minister may, by order, exempt persons convicted of any of the offences specified therein from the provisions of this Act.

(2) An order under subsection (1) shall be subject to negative resolution of the National Assembly.

Annual report.

16. The Board shall within six months after the end of each calendar year make to the Minister a report on the performance of its functions during that year, and the Minister shall lay a copy of such report before Parliament.

Power to make regulations.

17. (1) The Minister may make regulations for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, and in particular, such regulations may provide for all or any of the following matters—

- (a) the procedure of the Board;
  - (b) specified period for the purposes of sections 5 and 6;
  - (c) form of licence under this Act;
  - (d) manner of making representations under this Act; and
  - (e) any other matter that is required to be or may be prescribed under this Act.
-