



# Treatment of Offenders Act (Northern Ireland) 1968

## 1968 CHAPTER 29

### PART II

#### FURTHER PROVISIONS WITH RESPECT TO TREATMENT OF OFFENDERS

##### MISCELLANEOUS

#### 26 Duration of sentence.

*Subs. (1) rep. by 1978 c. 23*

- (2) The length of any sentence of imprisonment or term of detention in a young offenders centre [<sup>F1</sup>or sentence of detention under Article [<sup>F2</sup>13A(6),] 14(5) [<sup>F3</sup>or 15A(5)] of the Criminal Justice (Northern Ireland) Order 2008] imposed on or ordered in relation to an offender by a court shall be treated as reduced by any [<sup>F4</sup>relevant period, but where he] was previously subject to a probation order [<sup>F5</sup>, a community service order], an order for conditional discharge or a suspended sentence or order for detention in respect of that offence, any such period falling before the order was made or the suspended sentence or order for detention was passed or made shall be disregarded for the purposes of this section.

[<sup>F4</sup>(2A) In subsection (2) “relevant period” means—

- (a) any period during which the offender was in police detention in connection with the offence for which the sentence was passed; or
- (b) any period during which he was in custody—
  - (i) by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose; or
  - (ii) by reason of his having been so committed and having been concurrently detained otherwise than by order of a court [<sup>F6</sup>; or

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*Changes to legislation: There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968, Section 26. (See end of Document for details)*

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- (c) any period during which he was in custody in a category 1 territory with a view to his being extradited to the United Kingdom to be tried or sentenced for that offence (and not for any other reason).

In paragraph (c) “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.]]

- (3) For the purpose of this section a suspended sentence or order for detention shall be treated as a sentence of imprisonment or, as the case may be, an order for detention in a young offenders centre when it takes effect under section 19 and as being imposed or made by the order under which it takes effect.
- (4) No period of custody shall be taken into account for the purpose of reducing a term of imprisonment under this section unless the whole of that period begins after the commencement of this Act.
- (5) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment or order for detention in a young offenders centre shall, unless the context otherwise requires, be construed as a reference to the sentence or order pronounced by the court and not the sentence or order as reduced by this section.
- [<sup>F4</sup>(6) A person is in police detention for the purposes of this section—
- (a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence (Northern Ireland) Order 1989; and
- (b) at any time when he is detained under [<sup>F7</sup> section 41 of the Terrorism Act 2000].
- (7) No period of police detention shall be taken into account under this section unless it falls after the coming into operation of Article 49 of the Police and Criminal Evidence (Northern Ireland) Order 1989.]

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| <b>F1</b> | Words in s. 26(2) inserted (15.5.2009) by <a href="#">Criminal Justice (Northern Ireland) Order 2008 (Consequential Provision) Order 2009 (S.R. 2009/158)</a> , <b>art. 2(2)</b> |
| <b>F2</b> | Word in s. 26(2) inserted (29.6.2021) by <a href="#">Counter-Terrorism and Sentencing Act 2021 (c. 11)</a> , s. 50(2) (v), <b>Sch. 13 para. 61</b>                               |
| <b>F3</b> | Words in s. 26(2) inserted (30.4.2021) by <a href="#">Counter-Terrorism and Sentencing Act 2021 (c. 11)</a> , s. 50(1) (i), <b>Sch. 13 para. 67</b>                              |
| <b>F4</b> | 1989 NI 12   |
| <b>F5</b> | 1980 NI 6  |
| <b>F6</b> | Words in s. 26(2A) inserted (21.7.2014) by <a href="#">Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)</a> , <b>ss. 173(2)</b> , 185(1); S.I. 2014/1916, art. 2(r)    |
| <b>F7</b> | 2000 c.11  |

**Changes to legislation:**

There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968, Section 26.