



Northern Ireland (Remission of Sentences) Act 1995

1995 CHAPTER 47

An Act to provide for the release on licence of persons serving sentences to which section 14 of the Northern Ireland (Emergency Provisions) Act 1991 applies; and for connected purposes. [8th November 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act not in force at Royal Assent see [s.2](#)

1 Release on licence of persons subject to restricted remission.

^{F1}(1) This section applies to persons serving sentences to which section 79 of the Terrorism Act 2000 applies (restricted remission for persons sentenced for scheduled offences).

^{F1}(2) A person to whom this section applies shall be released on licence for the period (or, where that period has partly elapsed, for the remainder of the period) during which, by reason only of section 79, he is prevented from being discharged in pursuance of prison rules.]

(3) The Secretary of State may revoke a person's licence under this section if it appears to him that the person's continued liberty would present a risk to the safety of others or that he is likely to commit further offences; and a person whose licence is revoked shall be detained in pursuance of his sentence and, if at large, be deemed to be unlawfully at large.

(4) If a person's licence is revoked—

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Remission of Sentences) Act 1995. (See end of Document for details)

- (a) he may make representations in writing to the Secretary of State about the revocation, and
 - (b) he shall as soon as is practicable be informed of the reasons for the revocation and of his right to make representations.
- (5) If a person's licence is revoked the Secretary of State may again release him on licence under this section at any time during the period mentioned in subsection (2).
- [^{F2}(6) Section 80 of the Terrorism Act 2000 and Part II of the Treatment of Offenders (Northern Ireland) Order 1976 (conviction within certain period after discharge from prison, &c.) shall apply in relation to a person released on licence under this section as if he had been discharged in pursuance of prison rules.]

Textual Amendments

- F1** S. 1(1)(2) substituted (19.2.2001) by 2000 c. 11, s. 128, **Sch. 15 para. 12(1)**; S.I. 2001/421, **art. 2**
- F2** S. 1(6) substituted (19.2.2001) by 2000 c. 11, s. 128, **Sch. 15 para. 12(2)**; S.I. 2001/421, **art. 2**

Modifications etc. (not altering text)

- C1** s. 1 extended (1.10.1997) by 1997 c. 43, s. 41, **Sch. 1 Pt. II para. 12(2)(a)(5)**; S.I. 1997/2200, **art. 2**
 S. 1 extended (1.10.1997) by 1997 c. 43, s. 41, **Sch. 1 Pt. II para. 13(2)(a)(5)**; S.I. 1997/2200, **art. 2**
 S. 1: functions restricted from exercise in Scotland for specified purposes (30.6.1999) by S.I. 1999/1748, **art. 8(2)**, **Sch. 4 para. 2(1)(2)**

2 Commencement.

This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

Subordinate Legislation Made

- P1** S. 2 power fully exercised (10.11.1995): 17.11.1995 appointed by S.I. 1995/2945

3 Suspension and revival of section 1.

- (1) The Secretary of State may make orders suspending, or later reviving, the operation of section 1.
- (2) An order suspending the operation of section 1 shall not apply in relation to a person who is on licence when the order comes into force [^{F3}; but the order shall apply in relation to him if his licence is revoked after the order comes into force.].
- (3) Where an order revives the operation of section 1, subsection (2) of that section shall not apply in relation to a person who is detained pursuant to revocation under subsection (3).

Textual Amendments

- F3** Words in s. 3(2) added (28.7.1998) by 1998 c. 35, s. 18; S.I. 1998/2858, **art. 2**

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4 Suspension and revival orders: supplementary.

- (1) An order under section 3 shall be made by statutory instrument.
- (2) Subject to subsection (3), no order under section 3 shall be made unless a draft of the order has been approved by resolution of each House of Parliament.
- (3) An order suspending the operation of section 1 may be made without a draft having been approved if it appears necessary to the Secretary of State by reason of urgency, in which case the order—
 - (a) shall include a declaration to that effect;
 - (b) shall be laid before Parliament after being made; and
 - (c) shall cease to have effect at the end of the period of forty days (computed in accordance with section 7(1) of the ^{M1}Statutory Instruments Act 1946) after the day on which it was made unless a resolution has been passed by each House approving it.
- (4) Where an order suspending the operation of section 1 ceases to have effect by virtue of subsection (3)(c) above, the detention of a person while the order was in force shall not be treated as unlawful by reason only of the order's ceasing to have effect.

Marginal Citations

M1 1946 c. 36.

5 Short title and extent.

- (1) This Act may be cited as the Northern Ireland (Remission of Sentences) Act 1995.
- (2) This Act extends to Northern Ireland only.

Changes to legislation:

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