



2016 CHAPTER 21

PART 3

Miscellaneous

Early removal of prisoners

Early removal from prison of prisoners liable to removal from United Kingdom

55.—(1) Where a prisoner to whom this section applies (“P”)—

- (a) is liable to removal from the United Kingdom, and
- (b) has served at least one-half of the requisite custodial period,

the Department may, with P’s agreement, remove P from prison under this section at any time during the period of 135 days ending with the day on which P will have served the requisite custodial period.

(2) This section applies to a prisoner who is serving a sentence of imprisonment for a determinate term of at least 6 months, other than a prisoner serving an extended custodial sentence under Article 14 of the 2008 Order.

(3) So long as P after being removed from prison under this section remains in Northern Ireland P remains liable to be detained in pursuance of P’s sentence until P has served the requisite custodial period.

(4) The Department may by order amend the number of days for the time being specified in subsection (1).

(5) For the purposes of this section P is liable to removal from the United Kingdom if—

- (a) P is liable to deportation under section 3(5) of the Immigration Act 1971 and has been notified of a decision to make a deportation order against him,
 - (b) P is liable to deportation under section 3(6) of that Act,
 - (c) P has been notified of a decision to refuse P leave to enter the United Kingdom,
 - (d) P is an illegal entrant within the meaning of section 33(1) of that Act, or
 - (e) P is liable to removal under section 10 of the Immigration and Asylum Act 1999.
- (6) In this section and section 56—
- “the 2008 Order” means the Criminal Justice (Northern Ireland) Order 2008;
 - “the requisite custodial period”—
- (a) in a case where P is a prisoner to whom Article 17 of the 2008 Order applies, has the meaning given by paragraph (2) of that Article;
 - (b) in any other case, means one-half of P’s sentence.

Re-entry into Northern Ireland of offender removed under section 55

56.—(1) This section applies to a person who, having been removed from prison under section 55, has been removed from the United Kingdom before serving the requisite custodial period.

(2) If a person to whom this section applies enters Northern Ireland at any time before the person’s sentence expiry date, the person is liable to be detained in pursuance of the person’s sentence from the time of the person’s entry into Northern Ireland until whichever is the earlier of the following—

- (a) the end of a period (“the further custodial period”) beginning with that time and equal in length to the outstanding custodial period, and
- (b) the person’s sentence expiry date.

(3) A constable may arrest without warrant any person whom he reasonably suspects is liable to be detained by virtue of subsection (2) and take that person to the place in which that person is liable to be detained.

(4) A person returned to prison by virtue of subsection (2) may not be again removed from prison under section 55.

(5) Where—

- (a) a person to whom Article 17(1) of the 2008 Order applies is returned to prison by virtue of subsection (2), and
- (b) the further custodial period ends before the sentence expiry date,

Article 17(1) has effect in relation to the person as if the reference to the requisite custodial period were a reference to the further custodial period.

(6) In this section—

“further custodial period” has the meaning given by subsection (2)(a);

“outstanding custodial period”, in relation to a person, means the period beginning with the date of the person’s removal from the United Kingdom and ending with the date on which the person would, but for that removal, have served the requisite custodial period;

“sentence expiry date”, in relation to a person to whom this section applies, means the date on which, but for that person’s release from prison and removal from the United Kingdom, that person would have served the whole of the sentence.