



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 ^{[F1—}

- (a) who is serving an extended custodial sentence under Article 14 of the 2008 Order, or
- (b) to whom Article 20A of that Order applies.]

(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).

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 55. (See end of Document for details)

(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.

Textual Amendments

- F1** S. 55(2)(a)(b) substituted for words (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 75(1)** (with [Sch. 13 para. 75\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 55.