
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART II

TREATMENT OF OFFENDERS

Release on licence of certain offenders

Convictions during currency of original sentences

28.—(1) Where an offender released on licence under Article 26—

(a) before the date on which he would (but for his release) have served his sentence or order for detention in full, commits an offence punishable with imprisonment; and

(b) whether before or after that date, is convicted of that offence (“the new offence”);

the court by or before which he is convicted of the new offence may, whether or not it passes any other sentence on him, order him to be returned to prison or a young offenders centre for the whole or any part of the period which—

(i) begins with the date of the order; and

(ii) is equal in length to the period between the date on which the new offence was committed and the date mentioned in sub-paragraph (a).

(2) A court of summary jurisdiction—

(a) shall not have power to order an offender released on licence under Article 26 to be returned to prison or a young offenders centre for a period of more than 6 months; but

(b) may commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

(3) Where, under paragraph (2)(b), a court deals with an offender released on licence under Article 26, it shall send to the Crown Court such particulars of the case as may be desirable.

(4) Where, by virtue of paragraph (2)(b), an offender released on licence under Article 26 is brought or appears before the Crown Court, the Court may order him to be returned to prison or a young offenders centre for the whole or any part of the period which—

(a) begins with the date of the order; and

(b) is equal in length to the period between the date on which the new offence was committed and the date mentioned in paragraph (1)(a).

(5) The period for which an offender released on licence under Article 26 is ordered under paragraph (1) or (4) to be returned to prison or a young offenders centre—

(a) shall, as the court may direct, either be served before and be followed by, or be served concurrently with, the sentence imposed for the new offence; and

(b) in either case, shall be disregarded in determining the appropriate length of that sentence.