
STATUTORY INSTRUMENTS

2001 No. 2564

The Life Sentences (Northern Ireland) Order 2001

PART III

LIFE SENTENCES

Miscellaneous and supplemental

Life prisoners transferred to Northern Ireland

10.—(1) This Article applies where, in the case of a transferred life prisoner, the [^{F1}Department of Justice], after consultation with the Lord Chief Justice, certifies [^{F2}its opinion] that, if—

- (a) the prisoner's offence had been committed after the appointed day; and
- (b) he had been sentenced for it in Northern Ireland,

the court by which he was so sentenced would have ordered that the release provisions should apply to him as soon as he had served a part of his sentence specified in the certificate.

(2) This Article also applies where, in the case of a transferred life prisoner, [^{F3}the Department of Justice certifies its opinion] that, if—

- (a) the prisoner's offence had been committed after the appointed day; and
- (b) he had been sentenced for it in Northern Ireland,

[^{F4}a direction would have been given] that the release provisions should apply to him as soon as he had served a part of his sentence specified in the certificate.

(3) In a case to which this Article applies, this Order shall apply as if—

- (a) the transferred life prisoner were a life prisoner to whom Article 6 applies; and
- (b) the relevant part of his sentence within the meaning of Article 6 were the part specified in the certificate.

(4) In this Article “transferred life prisoner” means a person—

- (a) on whom a court in a country or territory outside Northern Ireland has imposed one or more sentences of imprisonment or detention for an indeterminate period; and
- (b) who has been transferred to Northern Ireland, in pursuance of—
 - (i) an order made by the Secretary of State under section 2 of the Colonial Prisoners Removal Act 1884^{F5}; or
 - (ii) a warrant issued ^{F6}. . . under the Repatriation of Prisoners Act 1984^{F7}, or
 - (iii) an order made ^{F6}. . . under paragraph 1 of Schedule 1 to the Crime (Sentences) Act 1997^{F8} where the transfer is an unrestricted transfer for the purposes of Part II of that Schedule,

there to serve his sentence or sentences or the remainder of his sentence or sentences.

(5) A person who is required so to serve the whole or part of two or more such sentences shall not be treated as a life prisoner to whom Article 6 applies unless the requirements of paragraph (1) or (2) are satisfied as respects each of those sentences; and the release provisions shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.

[^{F9}(6) The reference in paragraph (4)(b) to a person transferred to Northern Ireland in pursuance of a warrant under the Repatriation of Prisoners Act 1984 includes a person who is detained in Northern Ireland in pursuance of a warrant under section 4A of that Act (warrant transferring responsibility for detention and release of offender).]

- | | |
|-----------|--|
| F1 | Words in art. 10(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 8(a)(i) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F2 | Words in art. 10(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 8(a)(ii) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F3 | Words in art. 10(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 8(b)(i) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F4 | Words in art. 10(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 8(b)(ii) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F5 | 1884 c. 31 |
| F6 | Words in art. 10(4)(b)(ii)(iii) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 8(c) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F7 | 1984 c. 47 |
| F8 | 1997 c. 43 |
| F9 | Art. 10(6) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148(1), 153(7), Sch. 26 para. 51 ; S.I. 2008/1586, art. 2(1)(3) , Sch. 1 paras. 46, 48(p) (subject to Sch. 2) |

Changes to legislation:

There are currently no known outstanding effects for the The Life Sentences (Northern Ireland) Order 2001, Section 10.