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STATUTORY INSTRUMENTS

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**2001 No. 2564**

**The Life Sentences (Northern Ireland) Order 2001**

**Part III**

**LIFE SENTENCES**

*Miscellaneous and supplemental*

**Existing life prisoners**

**11.**—(1) This Article applies where, in the case of an existing life prisoner, the Secretary of State, after consultation with the Lord Chief Justice and the trial judge if available, certifies his opinion that, if this Order had been in operation at the time when he was sentenced, the court by which he was 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 an existing life prisoner, the Secretary of State certifies his opinion that, if this Order had been in operation at the time when he was sentenced, the Secretary of State would have directed 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 existing 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 “existing life prisoner” means a life prisoner serving one or more life sentences passed before the appointed day but does not include a life prisoner—

- (a) who had been recalled to prison under section 23 of the Prison (Northern Ireland) Act 1953<sup>(1)</sup> and who is not an existing licensee; or
- (b) whose licence has been revoked under Article 46(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998<sup>(2)</sup> and who is not an existing licensee.

(5) Paragraphs (3) to (5) of Article 9 shall have effect as if any life prisoner—

- (a) who has been recalled to prison under section 23 of the Prison Act (Northern Ireland) 1953<sup>(3)</sup> and is not an existing licensee; or
- (b) whose licence has been revoked under Article 46(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998<sup>(4)</sup> and who is not an existing licensee,

had been recalled to prison under Article 9 on the appointed day.

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(1) 1953 c. 18 (N.I.).

(2) 1998 N.I. 9.

(3) 1953 c. 18 (N.I.).

(4) 1998 N.I. 9.

(6) An existing life prisoner who is serving two or more life sentences passed before the appointed day 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.

(7) In this Article “existing licensee” has the same meaning as in Article 12(1).