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STATUTORY INSTRUMENTS

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**2001 No. 2564**

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

**PART III**

**LIFE SENTENCES**

*Determination of tariffs*

**Determination of tariffs**

5.—(1) Where a court passes a life sentence, the court shall, unless it makes an order under paragraph (3), order that the release provisions shall apply to the offender in relation to whom the sentence has been passed as soon as he has served the part of his sentence which is specified in the order.

(2) The part of a sentence specified in an order under paragraph (1) shall [<sup>F1</sup>(subject to Article 5A (serious terrorism cases))] be such part as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or of the combination of the offence and one or more offences associated with it.

(3) If the court is of the opinion that, because of the seriousness of the offence or of the combination of the offence and one or more offences associated with it, no order should be made under paragraph (1), the court shall order that, subject to paragraphs (4) and (5), the release provisions shall not apply to the offender.

(4) If, in a case where an order under paragraph (3) is in force, the offender was aged over 18 when he committed the offence, the [<sup>F2</sup>Department of Justice] may at the appropriate stage direct that the release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.

(5) If, in a case where an order under paragraph (3) is in force, the offender was aged under 18 when he committed the offence, the [<sup>F2</sup>Department of Justice] shall at the appropriate stage direct that the release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.

(6) The appropriate stage, for the purposes of paragraphs (4) and (5), is when the [<sup>F3</sup>Department of Justice] has formed the opinion, having regard to any factors determined [<sup>F4</sup>by the Department of Justice] to be relevant for the purpose, that it is appropriate [<sup>F5</sup>for the Department of Justice] to give the direction.

(7) An offence is associated with another for the purposes of this Article if—

- (a) the offender is convicted of it in the proceedings in which he is convicted of the other offence, or (although convicted of it in earlier proceedings) is sentenced for it at the same time as he is sentenced for that offence; or
- (b) the offender admits the commission of it in the proceedings in which he is sentenced for the other offence and requests the court to take it into consideration in sentencing him for that offence.

(8) This Article has effect in relation to life sentences passed after the appointed day.

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| <b>F1</b> | Words in art. 5(2) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. <b>13(2)</b> , 50(2)(g)  |
| <b>F2</b> | Words in art. 5(4)(5) 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), <b>Sch. 5 para. 3(a)</b> (with arts. 28-31); S.I. 2010/977, <b>art. 1(2)</b>   |
| <b>F3</b> | Words in art. 5(6) 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), <b>Sch. 5 para. 3(b)(i)</b> (with arts. 28-31); S.I. 2010/977, <b>art. 1(2)</b>   |
| <b>F4</b> | Words in art. 5(6) 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), <b>Sch. 5 para. 3(b)(ii)</b> (with arts. 28-31); S.I. 2010/977, <b>art. 1(2)</b>  |
| <b>F5</b> | Words in art. 5(6) 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), <b>Sch. 5 para. 3(b)(iii)</b> (with arts. 28-31); S.I. 2010/977, <b>art. 1(2)</b> |

#### [<sup>F6</sup> **Minimum tariff in serious terrorism cases**

**5A.—**(1) If the court makes an order under Article 5(1) in a serious terrorism case, the part of the sentence specified in the order must be at least 14 years.

This is subject to paragraphs (2) to (4).

(2) The court may, to the extent that it considers appropriate in order to take into account a guilty plea in accordance with Article 33(1) of the Criminal Justice (Northern Ireland) Order 1996, specify a period of less than 14 years but (subject to paragraphs (3) and (4)) no less than 11 years and 73 days.

(3) The court may specify a lesser period than that otherwise required by paragraph (1) or (2) if the court is of the opinion that it is appropriate to do so on taking account of matters under section 73(2) of the Serious Organised Crime and Police Act 2005 (assistance given or offered to investigator or prosecutor).

(4) The court may specify a lesser period than that otherwise required by paragraph (1) or (2) if the court is of the opinion that there are exceptional circumstances which—

- (a) relate to the offence or to the offender; and
- (b) justify the specification of a lesser period.

(5) For the purposes of this Article, a “serious terrorism case” is a case where, if the court did not impose a life sentence or an indeterminate custodial sentence, it would be required by Article 13A of the Criminal Justice (Northern Ireland) Order 2008 to impose a serious terrorism sentence (assuming for this purpose that the court was not of the opinion mentioned in paragraph (2) of that Article).

(6) In paragraph (5), “indeterminate custodial sentence” means a sentence under Article 13(4) of the Criminal Justice (Northern Ireland) Order 2008.]

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| <b>F6</b> | <b>Art. 5A</b> inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. <b>13(3)</b> , 50(2)(g) |
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**Changes to legislation:**

There are currently no known outstanding effects for the The Life Sentences (Northern Ireland) Order 2001, Cross Heading: Determination of tariffs.