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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*

**Life prisoners transferred to Northern Ireland**

**10.**—(1) This Article applies where, in the case of a transferred life prisoner, the [<sup>F1</sup>Department of Justice], after consultation with the Lord Chief Justice, certifies [<sup>F2</sup>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, [<sup>F3</sup>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,

[<sup>F4</sup>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<sup>F5</sup>; or
  - (ii) a warrant issued <sup>F6</sup>. . . under the Repatriation of Prisoners Act 1984<sup>F7</sup>, or
  - (iii) an order made . . . under paragraph 1 of Schedule 1 to the Crime (Sentences) Act 1997<sup>F8</sup> 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.

[<sup>F9</sup>(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).]

**Annotations:**

- 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)

**Existing life prisoners**

11.—(1) This Article applies where, in the case of an existing life prisoner, the [<sup>F10</sup>Department of Justice], after consultation with the Lord Chief Justice and the trial judge if available, certifies [<sup>F11</sup>its 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, [<sup>F12</sup>the Department of Justice certifies its opinion] that, if this Order had been in operation at the time when he was sentenced, [<sup>F13</sup>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 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>F14</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>F15</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>F16</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>F17</sup> and who is not an existing licensee,
- had been recalled to prison under Article 9 on the appointed day.
- (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).

**Annotations:**

- F10** Words in art. 11(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. 9(a)(i)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F11** Words in art. 11(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. 9(a)(ii)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F12** Words in art. 11(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. 9(b)(i)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F13** Words in art. 11(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. 9(b)(ii)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F14** 1953 c. 18 (NI)
- F15** 1998 NI 9
- F16** 1953 c. 18 (NI)
- F17** 1998 NI 9

**Existing licensees**

**12.—(1)** This Order shall apply to an existing licensee as it applies to a person who is released on licence under this Order.

(2) In paragraph (1), “existing licensee” means any life prisoner who, before the appointed day, has been released under section 23 of the Prison Act (Northern Ireland) 1953 or discharged on licence under Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998 and whose licence is in force on the appointed day.

**Amendment and repeals**

**13.—(1)** In Article 46(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (discharge on licence) for the words “Article 45” there shall be substituted the words “Article 45(2)”.

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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: Miscellaneous and supplemental. (See end of Document for details)

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(2) The statutory provisions set out in Schedule 3 are repealed to the extent specified in the third column of that Schedule.

**Changes to legislation:**

There are currently no known outstanding effects for the The Life Sentences (Northern Ireland) Order 2001, Cross Heading: Miscellaneous and supplemental.