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STATUTORY INSTRUMENTS

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**2001 No. 2564**

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

**PART III**

**LIFE SENTENCES**

*Release on licence*

**Duty to release certain life prisoners**

6.—(1) In this Order—

- (a) references to a life prisoner to whom this Article applies are references to a life prisoner in respect of whom—
  - (i) an order has been made under paragraph (1) of Article 5; or
  - (ii) a direction under paragraph (4) or (5) of that Article has been given; and
- (b) references to the relevant part of his sentence are references to the part of his sentence specified in the order or direction,

and in this Article “appropriate stage”, in relation to such a direction, has the same meaning as in Article 5(6).

(2) But if a life prisoner is serving two or more life sentences—

- (a) he is not to be treated for the purposes of this Order as a life prisoner to whom this Article applies unless such an order or direction has been made or given in respect of each of those sentences or such a direction will be required to be given at the appropriate stage; and
- (b) the release provisions do not apply in relation to him until he has served the relevant part of each of them.

(3) As soon as—

- (a) a life prisoner to whom this Article applies has served the relevant part of his sentence; and
- (b) the Commissioners have directed his release under this Article,

it shall be the duty of the [F1Department of Justice] to release him on licence.

(4) The Commissioners shall not give a direction under paragraph (3) with respect to a life prisoner to whom this Article applies unless—

- (a) the [F1Department of Justice] has referred the prisoner's case to the Commissioners; and
- (b) the Commissioners are satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined.

(5) A life prisoner to whom this Article applies may require the [F1Department of Justice] to refer his case to the Commissioners at any time—

- (a) after he has served the relevant part of his sentence; and

- (b) where there has been a previous reference of his case to the Commissioners, after the end of the period of two years beginning with the disposal of that reference; and
- (c) where he is also serving a sentence of imprisonment or detention for a term, after the time when, but for his life sentence, he would be entitled to be released,

and in this paragraph “previous reference” means a reference under paragraph (4) or Article 9(4).

(6) In determining for the purpose of this Article whether a life prisoner to whom this Article applies has served the relevant part of his sentence, no account shall be taken of any time during which he was unlawfully at large, unless the [F1Department of Justice] otherwise directs.

(7) Where a person has been sentenced to one or more life sentences and to one or more terms of imprisonment or detention, nothing in this Order shall require the [F1Department of Justice] to release the person in respect of any of the life sentences unless and until the [F1Department of Justice] is required to release him in respect of each of the terms.

**F1** Words in art. 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), **Sch. 5 para. 4** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### Power to release life prisoners on compassionate grounds

7.—(1) The [F2Department of Justice] may at any time release a life prisoner on licence if [F3the Department of Justice] is satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds.

(2) Before releasing a life prisoner under paragraph (1), the [F4Department of Justice] shall consult the Commissioners, unless the circumstances are such as to render such consultation impracticable.

[F5(3) The Secretary of State may notify the Department of Justice that a life prisoner is not to be released under this Article without the Secretary of State's agreement; and, if the Secretary of State gives such a notification in relation to a prisoner, the Department of Justice may not release the prisoner under this Article without the Secretary of State's agreement.

- (4) But the Secretary of State may—
  - (a) give a notification, or
  - (b) refuse his agreement to a release,

only if his decision to do so is arrived at (wholly or partly) on the basis of protected information.]

**F2** Words in art. 7(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. 5(a)(i)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F3** Words in art. 7(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. 5(a)(ii)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F4** Words in art. 7(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. 5(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F5** Art. 7(3)(4) inserted (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. 5(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Life Sentences (Northern Ireland) Order 2001, Cross Heading: Release on licence.