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STATUTORY INSTRUMENTS

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**2005 No. 1965**

**The Criminal Justice (Northern Ireland) Order 2005**

*Prisons, etc*

**Recall of life prisoner on licence**

**9.** In Article 9 of the [Life Sentences \(Northern Ireland\) Order 2001 \(NI 2\)](#) (recall of life prisoner on licence) after paragraph (5) insert—

“(5A) The Commissioners shall not give a direction under paragraph (5) unless they are satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined.”.

**Independent monitoring boards**

**10.**—(1) The bodies appointed—

- (a) under section 10 of the Prison Act (Northern Ireland) [1953 \(c. 18\)](#) (boards of visitors for prisons); and
- (b) under section 3 of the Treatment of Offenders Act (Northern Ireland) [1968 \(c. 29\)](#) (visiting committees for young offenders centres and remand centres)

are renamed as independent monitoring boards.

(2) Schedule 1 contains amendments consequential on paragraph (1).

**Repeal of section 13(6) of Prison Act**

**11.** Section 13(6) of the Prison Act (Northern Ireland) [1953 \(c. 18\)](#) (prison rules to prohibit application of painful tests on prisoners except with permission of board of visitors) is repealed.

**Transfer between young offender centre and prison**

**12.** In section 7(1)(b) of the Treatment of Offenders Act (Northern Ireland) [1968 \(c. 29\)](#) (power of Secretary of State to transfer offender following report by visiting committee) for the words “that person is reported by a visiting committee to the Minister to be incorrigible, or to be” substitute “it appears to the Secretary of State that that person is incorrigible or is”.

**Right to representation: loss of remission hearings**

**13.** In Article 25 (2) of the [Access to Justice \(Northern Ireland\) Order 2003 \(NI 10\)](#) (right to representation) after sub-paragraph (g) insert—

“(h) proceedings under Part XIII A of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995 (No. 8).”.