

STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 2

SENTENCING

CHAPTER 2

CUSTODIAL SENTENCES

Length of custodial period

8.—(1) This Article applies where a court passes—

- (a) a sentence of imprisonment for a determinate term, other than [^{F1}a serious terrorism sentence,] an extended custodial sentence [^{F2}or an Article 15A terrorism sentence], or
- (b) a sentence of detention in a young offenders centre

in respect of an offence committed after the commencement of this Article.

(2) The court shall specify a period (in this Article referred to as “the custodial period”) at the end of which the offender is to be released on licence under Article 17.

(3) The custodial period shall not exceed one half of the term of the sentence.

(4) Subject to paragraph (3), the custodial period shall be the term of the sentence less the licence period.

(5) In paragraph (4) “the licence period” means such period as the court thinks appropriate to take account of the effect of the offender's supervision by a probation officer on release from custody—

- (a) in protecting the public from harm from the offender; and
- (b) in preventing the commission by the offender of further offences.

(6) Remission shall not be granted under prison rules to the offender in respect of the sentence.

Textual Amendments

- F1** Words in art. 8(1)(a) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 66\(6\)](#)
- F2** Words in art. 8(1)(a) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 72\(5\)](#)

Commencement Information

- I1** [Art. 8](#) wholly in operation at 1.4.2009, see [art. 1\(4\)](#) and [S.R. 2009/120](#), [art. 2](#), [Sch. 1](#) (subject to [Sch. 2 paras. 2\(1\)\(5\), 4](#))

Changes to legislation:

The Criminal Justice (Northern Ireland) Order 2008, Section 8 is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)