

*Changes to legislation: There are currently no known outstanding effects for the
Repatriation of Prisoners Act 1984, Paragraph 2A. (See end of Document for details)*

SCHEDULE

OPERATION OF CERTAIN ENACTMENTS IN RELATION TO THE PRISONER

[^{F1}PART 1

WARRANTS UNDER SECTION 1 APPLICATION OF PART 1]

Textual Amendments

- F1** Sch. Pt. 1: Sch. renumbered as Sch. Pt. 1 (14.7.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 26 para. 19\(2\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

[^{F1}Release on licence][^{F1}Early release]

Textual Amendments

- F1** Sch. para. 2 and cross-heading substituted (S.) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003](#) (asp 7), [ss. 33\(1\)\(b\)\(i\), 89\(2\)](#) (with s. 33(2)); S.S.I. 2003/288, art. 2, [sch.](#)

- [^{F1}2A (1) This paragraph applies to a prisoner repatriated to Northern Ireland.
- (2) In determining for the purposes of Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 whether the prisoner has at any time served a particular proportion or part of his sentence specified in that Chapter, the prisoner's sentence shall subject to sub-paragraph (3), be deemed to begin with the day on which the relevant provisions take effect.
- (3) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the amount of time the prisoner has served shall, so far only as the question whether he has served a particular proportion or part of his sentence, be deemed to be increased by that period.
- (4) Where the prisoner's sentence is for a term of less than 12 months, Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 shall apply as if the sentence were for a term of 12 months or more.
- [If sub-paragraph (4B) or (4C) applies by virtue of an offence in relation to which
- ^{F2}(4A) a determinate sentence is to be served, Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 applies to the prisoner as if that offence was within Article 20A(2) (terrorist offences carrying restricted eligibility for release on licence).
- (4B) This sub-paragraph applies if the warrant specifies that the offence or any of the offences in relation to which a sentence is to be served corresponds to an offence specified in Part 2, 4, 5 or 7 of Schedule 2A to the Criminal Justice (Northern Ireland) Order 2008 (terrorism offences carrying restricted eligibility for release on licence).
- (4C) This sub-paragraph applies if the warrant specifies that—
- (a) the offence or any of the offences in relation to which a sentence is to be served (“the overseas offence”) corresponds to an offence under the law of Northern Ireland (“the corresponding offence”),

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- (b) section 30 of the Counter-Terrorism Act 2008 would have applied to the corresponding offence if—
 - (i) it had been committed at the same time as the overseas offence, and
 - (ii) the prisoner had been convicted of and sentenced for it in Northern Ireland at the same time respectively as the conviction and sentencing for the overseas offence, and
 - (c) findings made by the court before which the prisoner was tried or sentenced for the overseas offence would, had the prisoner been tried and sentenced in Northern Ireland for the corresponding offence, have justified a determination under that section that the corresponding offence had a terrorist connection.
- (4D) The Department of Justice may amend a warrant (whether issued before or after sub-paragraph (4A) comes into force and whether or not the transfer it authorises has taken place) so as to specify the matters referred to in sub-paragraph (4B) or (4C).]
- (5) In this paragraph “sentence” means the provision included in the warrant which is equivalent to sentence.]

Textual Amendments

- F1** Sch. para. 2A inserted (N.I.) (15.5.2008) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216\)](#), art. 1(4), **Sch. 5 para. 4(2)**; S.R. 2008/217, art. 2, Sch. para. 18(b)
- F2** Sch. para. 2A(4A)-(4D) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(r), **Sch. 11 para. 5**

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