



Northern Ireland (Emergency Provisions) Act 1991

1991 CHAPTER 24

PART I

SCHEDULED OFFENCES

Treatment of offenders

13 Treatment of young persons convicted of scheduled offences

- (1) Section 73(2) of the Children and Young Persons Act (Northern Ireland) 1968 (under which a court may sentence a child or young person convicted on indictment of an offence punishable in the case of an adult with imprisonment for fourteen years or more to detention for a period specified in the sentence) shall have effect in relation to a young person convicted of a scheduled offence committed while this subsection is in force with the substitution of the word “five” for the word “fourteen”.
- (2) Subsection (3) of section 74 of that Act (under which the maximum length of the term or the aggregate of the terms for which a person may be committed in custody to a remand home under section 74(1)(e) is one month) shall have effect in relation to a young person found guilty of a scheduled offence committed while this subsection is in force with the substitution of the words “six months” for the words “one month”.

14 Restricted remission for persons sentenced for scheduled offences

- (1) The remission granted under prison rules in respect of a sentence of imprisonment passed in Northern Ireland for a scheduled offence shall not, where it is for a term of five years or more, exceed one-third of that term.
- (2) Where a person is sentenced on the same occasion for two or more such offences to terms which are consecutive subsection (1) above shall apply as if those terms were a single term.

- (3) Where a person is serving two or more terms which are consecutive but not all subject to subsection (1) above, the maximum remission granted under prison rules in respect of those terms taken together shall be arrived at by calculating the maximum remission for each term separately and aggregating the result.
- (4) In this section “prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953.
- (5) The Secretary of State may by order substitute a different length of sentence and a different maximum period of remission for those mentioned in subsection (1) above.
- (6) This section applies where the scheduled offence is committed while this section is in force or where that offence (being a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1978) was committed while section 22 of the Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

15 Conviction of scheduled offence during period of remission

- (1) This section applies where a person who has been sentenced to imprisonment or a term of detention in a young offenders centre for a period exceeding one year—
 - (a) is discharged from prison or the centre in pursuance of prison rules; and
 - (b) before that sentence or term of detention would (but for that discharge) have expired he commits, and is convicted on indictment of, a scheduled offence.
- (2) If the court before which he is convicted of the scheduled offence sentences him to imprisonment or a term of detention it shall in addition order him to be returned to prison or, where appropriate, to a young offenders centre for the period between the date of the order and the date on which the sentence of imprisonment or term of detention mentioned in subsection (1) above would have expired but for his discharge.
- (3) No order shall be made under subsection (2) above if the sentence imposed by the court is a suspended sentence or a sentence of life imprisonment or of detention during the Secretary of State’s pleasure under section 73(1) of the Children and Young Persons Act (Northern Ireland) 1968; and any order made by a court under that subsection shall cease to have effect if an appeal results in the acquittal of the person concerned or in the substitution of a sentence other than one in respect of which the duty imposed by that subsection applies.
- (4) The period for which a person is ordered under this section to be returned to prison or a young offenders centre—
 - (a) shall be taken to be a sentence of imprisonment or term of detention for the purposes of the Prison Act (Northern Ireland) 1953 and for the purposes of the Treatment of Offenders Act (Northern Ireland) 1968 other than section 26(2) (reduction for time spent in custody);
 - (b) shall not be subject to any provision of prison rules for discharge before expiry; and
 - (c) shall be served before, and be followed by, the sentence or term imposed for the scheduled offence and be disregarded in determining the appropriate length of that sentence or term.
- (5) For the purposes of this section a certificate purporting to be signed by the governor or deputy governor of a prison or young offenders centre which specifies—

- (a) the date on which a person was discharged from prison or a young offenders centre;
 - (b) the sentence or term which the person was serving at the time of his discharge, the offence in respect of which the sentence or term was imposed and the date on which he was convicted of that offence;
 - (c) the date on which the person would, but for his discharge in pursuance of prison rules, have been discharged from prison or a young offenders centre,
- shall be evidence of the matters so specified.
- (6) In this section—
- “prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953;
 - “sentence of imprisonment” does not include a committal in default of payment of any sum of money or for want of sufficient distress to satisfy any sum of money or for failure to do or abstain from doing anything required to be done or left undone;
 - “young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968.
- (7) For the purposes of subsection (1) above consecutive terms of imprisonment or of detention in a young offenders centre shall be treated as a single term and a sentence of imprisonment or detention in a young offenders centre includes—
- (a) a sentence or term passed by a court in the United Kingdom, the Channel Islands or the Isle of Man;
 - (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence within the meaning of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957.
- (8) The Secretary of State may by order substitute a different period for the period of one year mentioned in subsection (1) above.
- (9) This section applies irrespective of when the discharge from prison or a young offenders centre took place but only if the scheduled offence is committed while this section is in force or if that offence (being a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1978) was committed while section 23 of the Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.