



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 2

RELEASE OF TERRORIST OFFENDERS

Removal or restriction of early release for terrorist prisoners

30 Restricted eligibility for early release of terrorist prisoners: Northern Ireland

- (1) In the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), after Article 20 insert—

“Terrorist prisoners

20A Restricted eligibility for release on licence of terrorist prisoners

- (1) This Article applies to a fixed-term prisoner (a “terrorist prisoner”) who—
- (a) is serving a sentence imposed (whether before or after the commencement date) in respect of an offence within paragraph (2); and
 - (b) has not been released on licence before the commencement date.
- (2) An offence is within this paragraph (whenever it was committed) if—
- (a) it is specified in Part 2, 4, 5 or 7 of Schedule 2A (terrorism offences punishable with imprisonment for life or more than two years);
 - (b) it is a service offence as respects which the corresponding civil offence is so specified; or
 - (c) it was determined to have a terrorist connection.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 30. (See end of Document for details)

- (3) The Department of Justice shall release the terrorist prisoner on licence under this Article as soon as—
- (a) the prisoner has served the relevant part of the sentence; and
 - (b) the Parole Commissioners have directed the release of the prisoner under this Article.
- (4) The Parole Commissioners shall not give a direction under paragraph (3) with respect to the terrorist prisoner unless—
- (a) the Department of Justice has referred the prisoner's case to them; and
 - (b) they are satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (5) The terrorist prisoner may require the Department of Justice to refer the prisoner's case to the Parole Commissioners at any time—
- (a) after the prisoner has served the relevant part of the sentence; and
 - (b) where there has been a previous reference of the prisoner's case to the Parole Commissioners, after the expiration of the period of 2 years beginning with the disposal of that reference or such shorter period as the Parole Commissioners may on the disposal of that reference determine;
- and in this paragraph “previous reference” means a reference under paragraph (4) or Article 28(4).
- (6) Where the Parole Commissioners do not direct the prisoner's release under paragraph (3)(b), the Department of Justice shall refer the case to them again not later than the expiration of the period of 2 years beginning with the disposal of that reference.
- (7) In determining for the purpose of this Article whether a terrorist prisoner has served the relevant part of a sentence, no account shall be taken of any time during which the prisoner was unlawfully at large, unless the Department of Justice otherwise directs.
- (8) If the terrorist prisoner is serving a serious terrorism sentence, an extended custodial sentence or an Article 15A terrorism sentence, the Department of Justice shall release the terrorist prisoner on licence under this Article as soon as the prisoner has served the appropriate custodial term unless the prisoner has previously been recalled under Article 28.
- (9) For the purposes of this Article—
- “appropriate custodial term”, in relation to a serious terrorism sentence, an extended custodial sentence or an Article 15A terrorism sentence, means the term determined as such by the court under Article 13A, 14 or 15A;
- “commencement date” means the date on which section 30 of the Counter-Terrorism and Sentencing Act 2021 comes into force;
- “relevant part of the sentence” means—
- (a) in relation to an extended custodial sentence or an Article 15A terrorism sentence, two-thirds of the appropriate custodial term;
 - (b) in relation to any other sentence, two-thirds of the term of the sentence.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 30. (See end of Document for details)

- (10) For the purposes of this Article, a reference of a terrorist prisoner's case to the Parole Commissioners under Article 18 that was disposed of—
- (a) before the commencement date; and
 - (b) at a time when the prisoner had served two-thirds of the appropriate custodial term,
- is to be treated as if it was made (and disposed of) under this Article.”
- (2) The amendment made by subsection (1) does not affect any duty of the Department of Justice under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 to release a person whose release has been directed by the Parole Commissioners before this section comes into force.

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 30.