
STATUTORY INSTRUMENTS

1998 No. 1859

**The Northern Ireland (Sentences) Act 1998
(Sentence Review Commissioners) Rules 1998**

PART IV

CONSIDERATION AND DETERMINATION OF APPLICATIONS

The preliminary indication

14.—(1) Following receipt of the response papers, the single Commissioner shall take any ancillary decisions he considers appropriate and when satisfied that it is appropriate to do so he shall then give a direction that the case is ready to be made the subject of a preliminary indication.

(2) After the expiry of seven days from service on the parties of written notice of the direction given pursuant to paragraph (1), the panel shall give the preliminary indication in accordance with the provisions of this rule.

(3) The preliminary indication shall be given without a hearing and shall only be given if the following conditions are satisfied in relation to the case:

- (a) any irregularities have been cured or waived in accordance with rule 27;
- (b) there are no outstanding ancillary applications or ancillary appeals to be determined; and
- (c) the time for bringing an ancillary appeal against any ancillary decision has expired.

(4) The preliminary indication shall indicate the substantive determination that the panel are minded to make and shall be given by being recorded in a written decision notice, signed and dated by or on behalf of the members of the panel.

(5) The Commissioners shall serve a copy of the written decision notice on the parties as soon as is practicable after giving the preliminary indication and this shall contain, subject to rule 22, the following:

- (a) where the preliminary indication is that the panel is minded to refuse an application made under section 3(1) of the Act, a statement of the reasons for this;
- (b) where the preliminary indication is that the panel is minded to grant an application made under section 3(1) of the Act, a declaration specifying:
 - (i) the sentences in respect of which the person concerned would be eligible to be released in accordance with the provisions of the Act if the preliminary indication were to become the substantive determination; and
 - (ii) in relation to each life sentence in respect of which the person concerned would be eligible to be released if the preliminary indication were to become the substantive determination, the day which the Commissioner are minded to believe would mark the completion of the period specified in section 6(1) of the Act;
- (c) where the preliminary indication is that the panel is minded to grant an application made under section 8(1) of the Act, a statement of the reasons for this and a statement that any declaration previously granted to the person concerned under section 4 or 6 of

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the Act would be revoked if the preliminary indication were to become the substantive determination; and

(d) where the person concerned is a recalled prisoner, a statement as to whether the panel is minded to confirm or revoke the recalled prisoner's licence, and a statement of the reasons for this.

(6) Within 14 days of receiving a copy of the written decision notice, each party shall serve on the Commissioner and on the other party a written notice, signed by him or by his representative, stating whether or not he wishes to challenge the preliminary indication.