
STATUTORY INSTRUMENTS

1998 No. 1859

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

PART VIII

RECALLED PRISONERS

Recalled prisoners

28.—(1) This rule applies where the Commissioner are required to consider the case of a recalled prisoner by virtue of section 9(3)(b) of the Act.

(2) Subject to the provisions of this rule, the recalled prisoner shall be treated as the person concerned and a party to the case as if he were an Applicant who had made an application under section 3(1) of the Act and the Secretary of State shall be treated as a party to the case as if he were the Respondent in relation to that application.

(3) Pursuant to paragraph (2), the Commissioner shall determine the case on this basis in accordance with these Rules save where the provisions of this rule indicate otherwise.

(4) Rule 7(1) shall not apply and the recalled prisoner shall instead serve on the Commissioner one original set and one copy set of papers which shall be treated as the application papers and which shall comprise the following:

- (a) so much of the information and documents specified in Schedule 1 to these Rules as the recalled prisoner sees fit to include;
- (b) a statement made in response to the notice of and reasons for suspension of the recalled prisoner's licence under section 9(2) of the Act as provided in accordance with section 11(4) of the Act; and
- (c) any further supporting information or documents which the recalled prisoner wishes to rely on.

(5) Rule 8(1) and (4) shall not apply and the Secretary of State shall instead serve on the Commissioner one original set and one copy set of papers which shall be treated as the response papers and which shall comprise the following:

- (a) a further copy of the notice of and reasons for suspension of the recalled prisoner's licence under section 9(2) of the Act as provided in accordance with section 11(4) of the Act;
- (b) so much of the information and documents specified in Schedules 2 and 3 to these Rules as the Secretary of State sees fit to include; and
- (c) any further supporting information or documents which the Secretary of State wishes to rely on.

(6) The case shall not be treated as a further application save for the purposes of rule 10(3).

(7) If the recalled prisoner is unlawfully at large, the Commissioner shall have power to direct where any hearings shall be held.

(8) For the purposes of this rule:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the words “seven days” in rules 5, 7, 8, 12, 13, 14 and 22, the words “fourteen days” in rule 16 and the words “twenty one days” in rules 8 and 16 shall be substituted by the words “three working days”; and
- (b) the words “fourteen days” in rule 14 shall be substituted by the words “seven days”.