
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART II

TREATMENT OF OFFENDERS

Release on licence of certain offenders

Release on licence of sexual offenders

26.—(1) Where, in the case of an offender who has been sentenced to imprisonment or ordered to be detained in a young offenders centre—

- (a) the whole or any part of his sentence or order for detention was imposed for a sexual offence, and
- (b) the court by which he was sentenced or ordered to be detained for that offence, having regard to—
 - (i) the need to protect the public from serious harm from him, and
 - (ii) the desirability of preventing the commission by him of further offences and of securing his re-habilitation, ordered that this Article shall apply,

instead of being granted remission of his sentence or order for detention under prison rules, the offender shall, on the day on which he might have been discharged if the remission had been granted, be released on licence under the provisions of this Article.

(2) An offender released on licence under this Article shall be under the supervision of a probation officer appointed for or assigned to the petty sessions district within which the offender resides until the date on which he would (but for his release) have served the whole of his sentence or order for detention.

(3) An offender released on licence under this Article shall comply with such conditions determined by the Secretary of State as may be specified in the licence.

(4) An offender released on licence under this Article shall be given a notice from the Secretary of State before any alteration in the conditions specified in the licence comes into effect.

(5) The Secretary of State may make rules for regulating the supervision of sex offenders under this Article.

Breach of licence conditions

27.—(1) If at any time while an offender is released on licence under Article 26 it appears on complaint to a justice of the peace that the offender has failed to comply with any of the conditions specified in the licence, the justice may—

- (a) issue a summons requiring the offender to appear at the place and time specified in it; or
- (b) if the complaint is in writing and on oath, issue a warrant for his arrest.

(2) Any summons or warrant issued under paragraph (1) shall direct the offender to appear or be brought before a court of summary jurisdiction acting for the petty sessions district in which he resides.

(3) If it is proved to the satisfaction of the court of summary jurisdiction before which an offender released on licence under Article 26 appears or is brought under paragraph (2) that he failed without reasonable excuse to comply with any of the conditions specified in the licence, the court may—

- (a) impose on him a fine not exceeding £1,000; or
- (b) suspend the licence for a period not exceeding 6 months and order him to be recalled to prison or, as the case may be, a young offenders centre for the period of the suspension.

(4) On the suspension of the licence of an offender under paragraph (3)(b), he shall be liable to be detained in pursuance of his sentence or order for detention and, if at large, shall be deemed to be unlawfully at large.

Convictions during currency of original sentences

28.—(1) Where an offender released on licence under Article 26—

- (a) before the date on which he would (but for his release) have served his sentence or order for detention in full, commits an offence punishable with imprisonment; and
- (b) whether before or after that date, is convicted of that offence (“the new offence”);

the court by or before which he is convicted of the new offence may, whether or not it passes any other sentence on him, order him to be returned to prison or a young offenders centre for the whole or any part of the period which—

- (i) begins with the date of the order; and
- (ii) is equal in length to the period between the date on which the new offence was committed and the date mentioned in sub-paragraph (a).

(2) A court of summary jurisdiction—

- (a) shall not have power to order an offender released on licence under Article 26 to be returned to prison or a young offenders centre for a period of more than 6 months; but
- (b) may commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

(3) Where, under paragraph (2)(b), a court deals with an offender released on licence under Article 26, it shall send to the Crown Court such particulars of the case as may be desirable.

(4) Where, by virtue of paragraph (2)(b), an offender released on licence under Article 26 is brought or appears before the Crown Court, the Court may order him to be returned to prison or a young offenders centre for the whole or any part of the period which—

- (a) begins with the date of the order; and
- (b) is equal in length to the period between the date on which the new offence was committed and the date mentioned in paragraph (1)(a).

(5) The period for which an offender released on licence under Article 26 is ordered under paragraph (1) or (4) to be returned to prison or a young offenders centre—

- (a) shall, as the court may direct, either be served before and be followed by, or be served concurrently with, the sentence imposed for the new offence; and
- (b) in either case, shall be disregarded in determining the appropriate length of that sentence.