
STATUTORY INSTRUMENTS

2001 No. 2564

The Life Sentences (Northern Ireland) Order 2001

PART III

LIFE SENTENCES

Licences and recall

Duration and conditions of licences

8.—(1) Where a life prisoner is released on licence, the licence shall, unless previously revoked under Article 9(1) or (2), remain in force until his death.

(2) A life prisoner subject to a licence shall comply with such conditions (which may include on his release conditions as to his supervision by a probation officer) as may for the time being be specified in the licence; and the [^{F1}Department of Justice] may make rules for regulating the supervision of any descriptions of such persons.

(3) The [^{F1}Department of Justice] shall not include on release, or subsequently insert, a condition in the licence of a life prisoner, or vary or cancel any such condition, except in accordance with recommendations of the Commissioners.

[^{F2}(4) Rules made under paragraph (2) shall be subject to negative resolution.]

[^{F3}(5) The Secretary of State may exercise any power of the Department of Justice to include, insert, vary or cancel conditions in a licence but only if his decision to exercise the power is arrived at (wholly or partly) on the basis of protected information; and, in relation to the exercise of such a power by the Secretary of State, in paragraph (3) the reference to the Department of Justice is to be read as a reference to the Secretary of State.

(6) The Department of Justice must exercise its powers subject to anything done by the Secretary of State by virtue of paragraph (5).]

F1 Words in art. 8(2)(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 6(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F2 Art. 8(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 6(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F3 Art. 8(5)(6) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 6(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Recall of life prisoners while on licence

9.—(1) If recommended to do so by the Commissioners, in the case of a life prisoner who has been released on licence, the [^{F4}Department of Justice or the] Secretary of State may revoke his licence and recall him to prison.

(2) The [^{F5}Department of Justice or the] Secretary of State may revoke the licence of any life prisoner and recall him to prison without a recommendation by the Commissioners, where it appears to [^{F6}it or] him that it is expedient in the public interest to recall that person before such a recommendation is practicable.

(3) A life prisoner recalled to prison under this Article—

- (a) on his return to prison, shall be informed of the reasons for his recall and of his right to make representations; and
- (b) may make representations in writing to the [^{F7}Department of Justice or (as the case may be) the] Secretary of State with respect to his recall.

(4) The [^{F7}Department of Justice or (as the case may be) the] Secretary of State shall refer the case of a life prisoner recalled under this Article to the Commissioners.

(5) Where on a reference under paragraph (4) the Commissioners direct the immediate release of a life prisoner on licence under this Article, the [^{F8}Department of Justice] shall give effect to the direction.

[^{F9}(5A) The Commissioners shall not give a direction under paragraph (5) unless they are satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined.]

(6) On the revocation of the licence of any life prisoner under this Article, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

[^{F10}(7) The Secretary of State may revoke the licence of a life prisoner and recall him to prison under this Article only if his decision to revoke the licence and make the recall is arrived at (wholly or partly) on the basis of protected information.]

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| F4 | Words in art. 9(1) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 7(a) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F5 | Words in art. 9(2) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 7(b)(i) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F6 | Words in art. 9(2) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 7(b)(ii) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F7 | Words in art. 9(3)(4) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 7(c) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F8 | Words in art. 9(5) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 7(d) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F9 | 2005 NI 15 |
| F10 | Art. 9(7) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 7(e) (with arts. 28-31); S.I. 2010/977, art. 1(2) |

Changes to legislation:

There are currently no known outstanding effects for the The Life Sentences (Northern Ireland) Order 2001, Cross Heading: Licences and recall.