

## STATUTORY INSTRUMENTS

# 2008 No. 1216

## The Criminal Justice (Northern Ireland) Order 2008

### PART 2

#### SENTENCING

##### CHAPTER 4

##### RELEASE ON LICENCE

###### *Duration of licences*

#### **Duration of licences: fixed-term prisoners**

**21.**—(1) Where a fixed-term prisoner is released on licence under this Chapter, the licence shall, subject to any revocation under Article 28 or 30, remain in force for the remainder of the sentence.

(2) Paragraph (1) has effect subject to Articles 32(2) and 33(3) and (4).

#### **Commencement Information**

**II** [Art. 21](#) wholly in operation at 1.4.2009; [art. 21](#) not in operation at date Order made see [art. 1\(4\)](#); [art. 21](#) in operation for certain purposes at 15.5.2008 by [S.R. 2008/217](#), [art. 2](#), [Sch.](#) (with transitory provision in [art. 4](#)); [art. 21](#) in operation at 1.4.2009 in so far as not already in operation by [S.R. 2009/120](#), [art. 2](#), [Sch. 1](#)

#### **Duration of licences: prisoners serving indeterminate custodial sentences**

**22.**—(1) This Article applies where a person who is serving an indeterminate custodial sentence is released on licence under Article 18 or 20.

(2) The licence shall, subject to any revocation under Article 28 or order under this Article, remain in force for the remainder of the prisoner's life.

(3) In this Article “qualifying period” means the period of 10 years beginning with the date of the prisoner's release.

(4) Where

(a) the qualifying period has expired, and

(b) the Parole Commissioners direct the [<sup>F1</sup>Department of Justice] to do so,

the [<sup>F1</sup>Department of Justice] shall order that the licence is to cease to have effect.

(5) Where—

(a) the qualifying period has expired; and

(b) if the prisoner has made a previous application under this paragraph, a period of at least 2 years has expired since the disposal of that application, or such shorter period as the

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**Changes to legislation:** *The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Duration of licences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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Parole Commissioners may have recommended on the disposal of the last previous such application,  
the prisoner may make an application to the Parole Commissioners under this paragraph.

- (6) Where an application is made under paragraph (5), the Parole Commissioners—
- (a) shall, if they are satisfied that it is no longer necessary for the protection of the public from serious harm that the licence should remain in force, direct the [<sup>F2</sup>Department of Justice] to make an order under paragraph (4) that the licence is to cease to have effect;
  - (b) shall otherwise dismiss the application.

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#### Textual Amendments

- F1** Words in [art. 22\(4\)](#) 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. 17](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)
- F2** Words in [art. 22\(6\)](#) 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. 17](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)
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#### Commencement Information

- I2** [Art. 22](#) partly in operation; [art. 22](#) not in operation at date Order made see [art. 1\(4\)](#); [art. 22](#) in operation for certain purposes at 15.5.2008 by [S.R. 2008/217](#), [art. 2](#), [Sch.](#) (with transitory provision in [art. 4](#))
- I3** [Art. 22](#) in operation at 1.7.2015 in so far as not already in operation by [S.R. 2015/290](#), [art. 2\(a\)](#)

**Changes to legislation:**

The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Duration of licences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)