

**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 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

## SCHEDULES

### SCHEDULE 5

Article 102.

#### AMENDMENTS

##### *The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)*

1. In section 33(2) (interpretation) at the end add “if—
  - (a) the sentences were passed on the same occasion; or
  - (b) where they were passed on different occasions, the person has not been released under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 at any time during the period beginning with the first and ending with the last of those occasions.”.

##### *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

2. In Part 3 of Schedule 1 (other disqualifying offices) at the appropriate place insert— “ Parole Commissioner for Northern Ireland ”.

##### *The Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)*

3. In Article 6(1) (sentences excluded from rehabilitation), after sub-paragraph (d) add—
  - “(e) an indeterminate custodial sentence imposed under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 or an extended custodial sentence imposed under Article 14 of that Order.”.

##### *The Repatriation of Prisoners Act 1984 (c. 47)*

- 4.—(1) In section 2 (transfer out of the United Kingdom) in subsection (4)(b) after sub-paragraph (iii) insert—

“(iiia) released on licence under Article 17 or 19 of the Criminal Justice (Northern Ireland) Order 2008;”.

- (2) In the Schedule (operation of certain enactments in relation to the prisoner) after paragraph 2 insert—

“**2A.**—(1) This paragraph applies to a prisoner repatriated to Northern Ireland.

(2) In determining for the purposes of Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 whether the prisoner has at any time served a particular proportion or part of his sentence specified in that Chapter, the prisoner's sentence shall subject to sub-paragraph (3), be deemed to begin with the day on which the relevant provisions take effect.

(3) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the amount of time the prisoner has served shall, so far only as the question whether he has served a particular proportion or part of his sentence, be deemed to be increased by that period.

(4) Where the prisoner's sentence is for a term of less than 12 months, Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 shall apply as if the sentence were for a term of 12 months or more.

(5) In this paragraph “sentence” means the provision included in the warrant which is equivalent to sentence.”.

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**Commencement Information**

- I1** Sch. 5 para. 4 partly in operation; Sch. 5 para. 4 not in operation at date Order made see art. 1(4); Sch. 5 para. 4(2) in operation at 15.5.2008 by S.R. 2008/217, art. 2, Sch. (with transitory provision in art. 4); Sch. 5 para. 4(1) in operation for certain purposes at 1.4.2009 by S.R. 2009/120, art. 2, Sch. 1 (subject to Sch. 2 paras. 1(1)(2)(b), 2(3)(5), 4)

*The Mental Health (Northern Ireland) Order 1986 (NI 4)*

5.—(1) In Article 44 (power of court to order hospital admission or guardianship) after paragraph (1) insert—

“(1A) In the case of an offence the sentence for which would otherwise fall to be imposed—

- (a) under Article 70(2) of the Firearms (Northern Ireland) Order 2004 (NI 3),
- (b) under paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006 (c. 38), or
- (c) under Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008,

nothing in those provisions shall prevent a court from making an order under paragraph (1) for the admission of the offender to a hospital

(1B) References in paragraph (1A) to a sentence falling to be imposed under any of the provisions mentioned in that paragraph are to be read in accordance with Article 4(2) of the Criminal Justice (Northern Ireland) Order 2008.”

(2) In Articles 56(3) and 79(5A) for “Life Sentence Review Commissioners” (wherever occurring) substitute “ Parole Commissioners for Northern Ireland ”.

**Commencement Information**

- I2** Sch. 5 para. 5 wholly in operation at 15.5.2008; see art. 1(4) and S.R. 2008/217, art. 2, Sch. (with savings and transitory provision in arts. 3, 4)

*The Criminal Justice Act 1988 (c. 33)*

6. In section 36(9) (reviews of sentencing) after paragraph (ab) insert—

“(ac) the reference to any of sections 225 to 229 of the Criminal Justice Act 2003 shall be construed as a reference to either of Articles 13 and 14 of the Criminal Justice (Northern Ireland) Order 2008.”

*The Criminal Justice (Northern Ireland) Order 1996 (NI 24)*

7.—(1) In Article 2(2) (interpretation) in the definition of “custodial sentence” in paragraph (b) (ii) at the end add “ or a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008 ”.

(2) In Article 4(1) (absolute and conditional discharge) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(3) In Article 10(1) (probation orders) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(4) In Article 13(1) (community service orders) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

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(5) In Article 15(1) (combination orders) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(6) In Article 25(3) (custody probation orders) for “7(2)(a)(ii)” substitute “ 7(2)(b) ”.

(7) In Article 36(1) (savings) after “this Part” insert “ or Part 2 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(8) In Article 39(3) (juvenile justice orders) for “Articles 19 and 20 of that Order” substitute “ Article 5 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(9) In Article 44A(4) (custody care orders) for “Articles 19 and 20 of that Order” substitute “ Article 5 of the Criminal Justice (Northern Ireland) Order 2008 ”.

#### Commencement Information

**I3** Sch. 5 para. 7 wholly in operation at 1.4.2009; Sch. 5 para. 7 not in operation at date Order made see art. 1(4); Sch. 5 para. 7(1)-(5)(7) in operation at 15.5.2008 by S.R. 2008/217, art. 2, Sch. (with savings and transitory provision in arts. 3, 4); Sch. 5 para. 7(6)(8)(9) in operation at 1.4.2009 by S.R. 2009/120, art. 2, Sch. 1 (subject to Sch. 2 paras. 1(1)(2)(b), 4)

#### *The Life Sentences (Northern Ireland) Order 2001 (NI 2)*

**8.** In Article 2(2) (interpretation), in the definition of “the Commissioners” for “Life Sentence Review Commissioners” substitute “ Parole Commissioners for Northern Ireland ”.

#### *The Justice (Northern Ireland) Act 2002 (c. 26)*

**9.** In section 46(1)(ea) (organisations to be inspected by Chief Inspector of Criminal Justice), for “Life Sentence Review Commissioners” substitute “ Parole Commissioners for Northern Ireland ”.

#### *The Sexual Offences Act 2003 (c. 42)*

**10.—**(1) In the table in section 82(1) (notification period for persons convicted of sexual offences under requirement to notify the police about certain matters), in the entry relating to a person sentenced to imprisonment for life, to imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or to imprisonment for a term of 30 months or more, after “2003” insert “ , to an indeterminate custodial sentence under Article 13(4)(a) of the Criminal Justice (Northern Ireland) Order 2008 ”.

(2) In section 131 (application of Part 2 to young offenders) at the end add—

“(m) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008.”.

#### *The Access to Justice (Northern Ireland) Order 2003 (NI 10)*

**11.** In Article 25(2)(b)(ii) (right to representation) for “Life Sentence Review Commissioners” substitute “ Parole Commissioners for Northern Ireland ”.

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**Changes and effects yet to be applied to :**

- [Sch. 5 para. 7\(6\)](#) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)

**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\(2\)](#)