
Changes to legislation: Northern Ireland (Sentences) Act 1998, SCHEDULE 2 is up to date with all changes known to be in force on or before 06 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 2

Section 2.

COMMISSIONERS' PROCEDURE

Rules

- 1 The Secretary of State may make rules prescribing the procedure to be followed in relation to proceedings of the Commissioners under this Act; and in particular rules may—
- (a) make provision for the matters set out in this Schedule;
 - (b) confer functions on the chairman (or on joint chairmen, jointly or concurrently).

Allocation of cases

- 2 The rules may provide—
- (a) for the allocation of proceedings to panels of Commissioners;
 - (b) for the taking of specified decisions by a single Commissioner.

Conduct of proceedings

- 3
- (1) The rules may require the Commissioners conducting the proceedings to include a psychiatrist or psychologist in specified circumstances.
 - (2) The rules may prevent a person who is serving a sentence of imprisonment or detention from representing or acting on behalf of a prisoner.
 - (3) The rules may provide for applications to be dealt with in the order decided by the Commissioners.

Applications

- 4 The rules may require an application to be made in a specified form and to be accompanied by specified documents.

Evidence and information

- 5 The rules may make provision about evidence and information, including provision—
- (a) requiring Commissioners to send to the Secretary of State copies of applications and such related documents as the rules may specify;
 - (b) requiring the Secretary of State to provide specified information to the Commissioners;
 - (c) for the giving of evidence by or on behalf of the Secretary of State, the Royal Ulster Constabulary and others;

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- (d) about the way in which information or evidence is to be given;
- (e) for evidence or information about a prisoner not to be disclosed to anyone other than a Commissioner if the Secretary of State certifies that the evidence or information satisfies conditions specified in the rules;
- (f) preventing a prisoner from calling any witness without leave of Commissioners.

Exclusion of persons from proceedings

- 6 The rules may provide for proceedings to be held in private except where Commissioners direct otherwise.
- 7 (1) The rules may permit Commissioners to hold proceedings in specified circumstances in the absence of any person, including the prisoner concerned and any representative appointed by him.
- (2) Where a prisoner and any representative appointed by him are excluded from proceedings by virtue of sub-paragraph (1), the [^{F1}Advocate General for Northern Ireland] may appoint a person to represent the prisoner's interests in those proceedings.

Textual Amendments

- F1** Words in [Sch. 2 para. 7\(2\)](#) substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), [Sch. 7 para. 20](#); S.R. 2010/113, art. 2, [Sch. para. 19\(d\)](#)

Successive applications

- 8 The rules may prevent successive applications under any provision of this Act being made in specified circumstances.

Legal aid

- 9 (1) The rules may allow Commissioners to award a prisoner money for legal advice or representation.
- (2) The Secretary of State shall pay any sums which the Commissioners award.

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

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

- s. 3(6A)(6B) inserted by [2023 c. 41 Sch. 12 para. 2\(2\)](#)
- s. 3(7A)(7B) inserted by [2023 c. 41 Sch. 12 para. 2\(4\)](#)
- s. 13A inserted by [2023 c. 41 Sch. 12 para. 4](#)
- Sch. 3 para. 2(A1)(A2) inserted by [2023 c. 41 Sch. 12 para. 3\(2\)](#)
- Sch. 3 para. 2(1A) inserted by [2023 c. 41 Sch. 12 para. 3\(4\)](#)