



Northern Ireland (Sentences) Act 1998

1998 CHAPTER 35

Eligibility for release

3 Applications.

- (1) A prisoner may apply to Commissioners for a declaration that he is eligible for release in accordance with the provisions of this Act.
- (2) The Commissioners shall grant the application if (and only if)—
 - (a) the prisoner is serving a sentence of imprisonment for a fixed term in Northern Ireland and the first three of the following four conditions are satisfied, or
 - (b) the prisoner is serving a sentence of imprisonment for life in Northern Ireland and the following four conditions are satisfied.
- (3) The first condition is that the sentence—
 - (a) was passed in Northern Ireland for a qualifying offence, and
 - (b) is one of imprisonment for life or for a term of at least five years.
- (4) The second condition is that the prisoner is not a supporter of a specified organisation.
- (5) The third condition is that, if the prisoner were released immediately, he would not be likely—
 - (a) to become a supporter of a specified organisation, or
 - (b) to become concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland.
- (6) The fourth condition is that, if the prisoner were released immediately, he would not be a danger to the public.
- (7) A qualifying offence is an offence which—
 - (a) was committed before 10th April 1998,
 - (b) was when committed a scheduled offence within the meaning of the ^{M1}Northern Ireland (Emergency Provisions) Act 1973, ^{M2}1978, ^{M3}1991 or ^{M4}1996, and

Changes to legislation: Northern Ireland (Sentences) Act 1998, Section 3 is up to date with all changes known to be in force on or before 08 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

- (c) was not the subject of a certificate of the Attorney General for Northern Ireland that it was not to be treated as a scheduled offence in the case concerned.
- (8) A specified organisation is an organisation specified by order of the Secretary of State; and he shall specify any organisation which he believes—
- (a) is concerned in terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and
 - (b) has not established or is not maintaining a complete and unequivocal ceasefire.
- (9) In applying subsection (8)(b) the Secretary of State shall in particular take into account whether an organisation—
- (a) is committed to the use now and in the future of only democratic and peaceful means to achieve its objectives;
 - (b) has ceased to be involved in any acts of violence or of preparation for violence;
 - (c) is directing or promoting acts of violence by other organisations;
 - (d) is co-operating fully with any Commission of the kind referred to in section 7 of the ^{M5}Northern Ireland Arms Decommissioning Act 1997 in implementing the Decommissioning section of the agreement reached at multi-party talks on Northern Ireland set out in Command Paper 3883.
- (10) The Secretary of State shall from time to time review the list of organisations specified under subsection (8); and if he believes—
- (a) that paragraph (a) or (b) of that subsection does not apply to a specified organisation, or
 - (b) that paragraphs (a) and (b) apply to an organisation which is not specified, he shall make a new order under subsection (8).

Marginal Citations

- M1** 1973 c. 53.
- M2** 1978 c. 5.
- M3** 1991 c. 24.
- M4** 1996 c. 22.
- M5** 1997 c. 7.

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Changes and effects yet to be applied to :

- s. 3(7) words substituted by [2023 c. 41 Sch. 12 para. 2\(3\)\(a\)](#)
- s. 3(7)(a) words inserted by [2023 c. 41 Sch. 12 para. 2\(3\)\(b\)](#)

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\(4\)](#)