



Northern Ireland (Sentences) Act 1998

1998 CHAPTER 35

Eligibility for release

5 Fixed term prisoners: special cases.

- (1) If the length of a sentence is treated as reduced by a period of custody in accordance with section 26 of the ^{M1}Treatment of Offenders Act Northern Ireland) 1968 (duration of sentence) for the purposes of section 4(1) above the period of custody must be treated as having been served as part of the sentence.
- (2) If a sentence of at least five years is supplemented by a period of imprisonment in accordance with section 16(2) of the ^{M2}Northern Ireland (Emergency Provisions) Act 1996 (conviction of scheduled offence during period of remission) for the purposes of section 4(1) above the supplementary period must be treated as part of the sentence.
- (3) If—
 - (a) a sentence of less than five years is supplemented by a period of imprisonment in accordance with section 16(2) of the 1996 Act, and
 - (b) the supplementary period relates to an earlier sentence of at least five years for a qualifying offence (within the meaning of section 3 above),the prisoner may make an application under section 3 in respect of the supplementary period and the application shall be granted if (and only if) the second and third conditions are satisfied.
- (4) References in this section to section 16(2) of the 1996 Act include references to—
 - (a) section 23(2) of the ^{M3}Prevention of Terrorism (Temporary Provisions) Act 1989, and
 - (b) section 15(2) of the ^{M4}Northern Ireland (Emergency Provisions) Act 1991.

Marginal Citations

- M1** 1968 c. 29 (N.I.).
M2 1996 c. 22.
M3 1989 c. 4.

Status: Point in time view as at 28/07/1998. This version of this provision has been superseded.

Changes to legislation: Northern Ireland (Sentences) Act 1998, Section 5 is up to date with all changes known to be in force on or before 02 June 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)

M4 1991 c. 24.

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