

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 10

RELEASE ON LICENCE: NORTHERN IRELAND

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

- 74 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.
- (2) In Article 16 (interpretation of Chapter 4 of Part 2 (release on licence)), after paragraph (3) insert—
- “(3A) For the purposes of this Chapter, an offence was determined to have a terrorist connection if it was—
- (a) determined to have a terrorist connection under—
- (i) section 30 or 32 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Northern Ireland, or an offender sentenced in England and Wales or for a service offence before the Sentencing Code applied but now subject to the provisions of this Chapter), or
- (ii) section 69 of the Sentencing Code (in the case of an offender sentenced in England and Wales or for a service offence but now subject to the provisions of this Chapter), or
- (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now subject to the provisions of this Chapter).
- (3B) In this Chapter “service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).”
- (3) In Article 17(1) (duty to release fixed-term prisoners not serving extended sentences), for “a prisoner serving an extended custodial sentence” substitute “one to whom Article 18 or 20A applies”.
- (4) In Article 18 (duty to release prisoners serving indeterminate or extended sentences), after paragraph (1) insert—
- “(1A) But this Article does not apply to a prisoner to whom Article 20A applies.”
- (5) In Article 19 (power to release prisoners before required), in paragraph (3), for subparagraph (a) substitute—

Status: This is the original version (as it was originally enacted).

- “(a) Article 18 or 20A applies to the prisoner;”.
- (6) In Article 20(3) (consultation with Parole Commissioners before release of certain prisoners), for the words from “serving” to the end of sub-paragraph (b) substitute “to whom Article 18 or 20A applies”.
- (7) In Article 23(1) (power of court to recommend licence conditions), for “or 19” substitute “, 19 or 20A”.
- (8) In Article 24(5) (requirement to consult Parole Commissioners about licence conditions), in the words before sub-paragraph (a), after “18” insert “or 20A”.
- (9) In Article 28 (recall of prisoners while on licence)—
- (a) in paragraph (1), for “or 20” substitute “, 20 or 20A”;
 - (b) in paragraph (6)(a), after “extended custodial sentence” insert “and was not released under Article 20A”.
- (10) In Article 29 (further release after recall for certain prisoners), in paragraph (1) (a), after “extended custodial sentence” insert “or a prisoner to whom Article 20A applies”.