

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 9

TERRORISM SENTENCE WITH FIXED LICENCE PERIOD: NORTHERN IRELAND

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

- 67 In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (length of custodial sentences to be reduced for periods already spent in custody), after “14(5)” insert “or 15A(5)”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 68 In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for particular sentences), in paragraph (9)(b), after “centre” insert “, a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008”.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 69 (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 2(2) (meaning of expressions), in paragraph (b)(ii) of the definition of “custodial sentence”, for “or 14(5)” substitute “, 14(5) or 15A(5)”.
- (3) In Article 4(1) (power to grant absolute or conditional discharge subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.
- (4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.
- (5) In Article 13(1) (power to make community service order subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.
- (6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.

Sexual Offences Act 2003 (c. 42)

- 70 In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), after paragraph (l) of that section as it forms part of the law of England and Wales and Scotland, and after paragraph (m) of that section as it forms part of the law of Northern Ireland, insert—

Status: This is the original version (as it was originally enacted).

“(n) a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008”.

Counter-Terrorism Act 2008 (c. 28)

71 In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iv) insert—

“(iva) a sentence under Article 15A(5) of that Order (offenders under 21 convicted of certain terrorist or terrorism-related offences),”.

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

72 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 3 (interpretation of Part 2 (sentencing))—

(a) in paragraph (1), before the definition of “community sentence” insert—

““Article 15A terrorism sentence” means a sentence under Article 15A;”;

(b) after paragraph (4) insert—

“(5) For the purposes of this Part, references to an offence punishable with imprisonment for a certain term are to be read as references to an offence that is punishable with imprisonment for that term on conviction on indictment in the case of an offender aged 21 or over.”

(3) In Article 4 (interpretation of Chapter 2 (custodial sentences))—

(a) in paragraph (1), in paragraph (c) of the definition of “custodial sentence”, for “or 14(5)” substitute “, 14(5) or 15A(5)”;

(b) in paragraph (2), after sub-paragraph (b) insert—

“(ba) a sentence falls to be imposed under Article 15A if the court is obliged to pass a sentence complying with that Article;”.

(4) In Article 7 (custodial term to be shortest commensurate with seriousness of offence)

(a) in paragraph (1), after sub-paragraph (c) (but before the final “or”) insert—

“(ca) of detention under Article 15A(5);”;

(b) in paragraph (2), for “Article 14” substitute “Articles 14 and 15A”.

(5) In Article 8(1)(a) (setting of custodial period), after “extended custodial sentence” insert “or an Article 15A terrorism sentence”.

(6) In the heading of Chapter 3 of Part 2, at the end insert “and other terrorist offenders”.

(7) In Article 14 (extended custodial sentences), in paragraph (4)(a), after “this Article” insert “and Article 15A”.

(8) In Article 16(2) (interpretation of Chapter 4 (release on licence)), in paragraph (c) of the definition of “custodial sentence”, for “or 14(5)” substitute “, 14(5) or 15A(5)”.

(9) In Article 33(6) (custodial periods to be aggregated in case of consecutive sentences), in sub-paragraph (a)(i)—

(a) after “extended sentence” insert “or an Article 15A terrorism sentence”;

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

(b) after “14” insert “or 15A”.