Draft Order in Council laid before Parliament under the Northern Ireland Act 1998, section 84(4), for approval by resolution of each House of Parliament. The draft Order is consequential on the draft Life Sentences (Northern Ireland) Order 2001. It is proposed that both draft Orders will, if approved by Parliament, be presented for making at the same meeting of the Privy Council.

DRAFT STATUTORY INSTRUMENTS

2001 No.

NORTHERN IRELAND

Life Sentences (Northern Ireland Consequential Amendments) Order 2001

Made - - - -
Coming into operation in accordance with Article 1(2) and (3)

At the Court at , the day of 2001

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 84(2) of the Northern Ireland Act 1998(**1**) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, commencement and extent

1.—(1) This Order may be cited as the Life Sentences (Northern Ireland Consequential Amendments) Order 2001.

(2) Subject to paragraph (3), this Order shall come into force on the day appointed under Article 1(2) of the Life Sentences (Northern Ireland) Order 2001(**2**) for the coming into operation of that Order.

(3) Article 5 of this Order shall come into force on the day appointed by order made under section 82(1) of the International Criminal Court Act 2001(**3**) for the coming into force of Schedule 7 to that Act.

(**1**) 1998 c. 47.
(**2**) S.I. 2001/ (N.I.).
(**3**) 2001 c. 17.

(4) Articles 2(4) and 3(2) and (4) of this Order extend to England and Wales and Northern Ireland, Article 3(3) of this Order extends to Scotland and Northern Ireland and the remaining provisions of this Order extend to the whole of the United Kingdom.

Amendment of the Repatriation of Prisoners Act 1984

2.—(1) The Repatriation of Prisoners Act 1984(**4**) shall have effect subject to the following provisions of this Article.

(2) In section 2 (transfer of prisoners out of the United Kingdom) in subsection (4)(b)(iii) for the words "section 23 of the Prison Act (Northern Ireland) 1953" there shall be substituted the words "Article 6(3) of the Life Sentences (Northern Ireland) Order 2001".

(3) In section 3 (transfer of prisoners into the United Kingdom) after subsection (9) there shall be added—

> "(10) The provisions contained by virtue of subsection (1)(c) above in a warrant under this Act shall, in the case of a prisoner to whom Article 10 of the Life Sentences (Northern Ireland) Order 2001 (life prisoners transferred to Northern Ireland) applies, include provision specifying the relevant part of his sentence within the meaning of Article 6 of that Order (duty to release certain life prisoners).".

(4) Paragraph 3 of the Schedule (life imprisonment), as substituted by paragraph 10 of Schedule 2 to the Crime (Sentences) Act 1997(**5**), is hereby repealed.

Amendment of the Crime (Sentences) Act 1997

3.—(1) The Crime (Sentences) Act 1997 shall have effect subject to the following provisions of this Article.

(2) In Schedule 1 in paragraph 12 (restricted transfers from Northern Ireland to England and Wales) for sub-paragraph (2)(a) there shall be substituted—

> "(a) sections 13(7) and 24 of the Prison Act (Northern Ireland) 1953, Articles 3 to 6 of the Treatment of Offenders (Northern Ireland) Order 1976, Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996 and Articles 6 to 9 of the Life Sentences (Northern Ireland) Order 2001 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of England and Wales;".

(3) In Schedule 1 in paragraph 13 (restricted transfers from Northern Ireland to Scotland)—

(a) for sub-paragraph (2)(a) there shall be substituted—

> "(a) sections 13(7) and 24 of the Prison Act (Northern Ireland) 1953, Articles 3 to 6 of the Treatment of Offenders (Northern Ireland) Order 1976, Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996 and Articles 6 to 9 of the Life Sentences (Northern Ireland) Order 2001 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of Scotland;";

(b) in sub-paragraph (5) after the word "1996" there shall be inserted the words ", the Life Sentences (Northern Ireland) Order 2001".

(4) In Schedule 2 paragraph 10 is hereby repealed.

(**4**) 1984 c. 47; section 2(4)(b)(iii) was amended by paragraph 22 of Schedule 5 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (NI 9)).
(**5**) 1997 c. 43.