
STATUTORY INSTRUMENTS

2001 No. 2564 (N.I. 2)

The Life Sentences (Northern Ireland) Order 2001

- - - - - 18th July 2001

PART I INTRODUCTORY

Title and commencement

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

(2) This Order shall come into operation on such day as the Secretary of State may by order appoint^{F1}.

(3) An order under paragraph (2) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions brought into operation by the order.

F1 fully exercised by SR 2001/337
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Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Northern Ireland Assembly.

(2) In this Order—

“the appointed day” means the day on which this Order comes into operation;

“the Commissioners” means the [^{F3}Parole Commissioners for Northern Ireland];

“the release provisions” means the provisions of paragraphs (3) to (7) of Article 6;

“life prisoner” means a person serving one or more life sentences;

“life sentence” means either of the following imposed for an offence, whether committed before or after the appointed day, namely—

(a) a sentence of imprisonment for life;

(b) a sentence of detention during the pleasure of the [^{F4}Minister in charge of the Department of Justice] under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998^{F5};

“prison” includes—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Life Sentences (Northern Ireland) Order 2001*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) a young offenders centre; and
- (b) any other place in which a person may be detained under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998.

[^{F6}(3) In this Order “protected information” means evidence or information the disclosure of which may, in the opinion of the Secretary of State, be against the interests of national security.]

- F2** 1954 c. 33 (NI)
- F3** Art. 2(2): words in the definition of “the Commissioners” substituted (15.5.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(1), **Sch. 5 para. 8**; S.R. 2008/217, **art. 2**, Sch. paras. 16, 18(e) (subject to art. 3)
- F4** Art. 2(2): words in definition of “life sentence” substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), **Sch. 5 para. 2(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F5** 1998 NI 9
- F6** Art. 2(3) inserted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), **Sch. 5 para. 2(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

^{F7F7}PART II

THE LIFE SENTENCE REVIEW COMMISSIONERS

- F7** Pt. II (arts. 3-4) repealed (15.5.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2008/217, **art. 2**, Sch. paras. 17, 19(b) (subject to art. 3)

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PART III

LIFE SENTENCES

Determination of tariffs

Determination of tariffs

5.—(1) Where a court passes a life sentence, the court shall, unless it makes an order under paragraph (3), order that the release provisions shall apply to the offender in relation to whom the sentence has been passed as soon as he has served the part of his sentence which is specified in the order.

(2) The part of a sentence specified in an order under paragraph (1) shall be such part as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or of the combination of the offence and one or more offences associated with it.

(3) If the court is of the opinion that, because of the seriousness of the offence or of the combination of the offence and one or more offences associated with it, no order should be made

under paragraph (1), the court shall order that, subject to paragraphs (4) and (5), the release provisions shall not apply to the offender.

(4) If, in a case where an order under paragraph (3) is in force, the offender was aged over 18 when he committed the offence, the [F11Department of Justice] may at the appropriate stage direct that the release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.

(5) If, in a case where an order under paragraph (3) is in force, the offender was aged under 18 when he committed the offence, the [F11Department of Justice] shall at the appropriate stage direct that the release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.

(6) The appropriate stage, for the purposes of paragraphs (4) and (5), is when the [F12Department of Justice] has formed the opinion, having regard to any factors determined [F13by the Department of Justice] to be relevant for the purpose, that it is appropriate [F14for the Department of Justice] to give the direction.

(7) An offence is associated with another for the purposes of this Article if—

- (a) the offender is convicted of it in the proceedings in which he is convicted of the other offence, or (although convicted of it in earlier proceedings) is sentenced for it at the same time as he is sentenced for that offence; or
- (b) the offender admits the commission of it in the proceedings in which he is sentenced for the other offence and requests the court to take it into consideration in sentencing him for that offence.

(8) This Article has effect in relation to life sentences passed after the appointed day.

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| F11 | Words in art. 5(4)(5) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 3(a) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F12 | Words in art. 5(6) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 3(b)(i) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F13 | Words in art. 5(6) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 3(b)(ii) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F14 | Words in art. 5(6) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), Sch. 5 para. 3(b)(iii) (with arts. 28-31); S.I. 2010/977, art. 1(2) |

Release on licence

Duty to release certain life prisoners

6.—(1) In this Order—

- (a) references to a life prisoner to whom this Article applies are references to a life prisoner in respect of whom—
 - (i) an order has been made under paragraph (1) of Article 5; or
 - (ii) a direction under paragraph (4) or (5) of that Article has been given; and
- (b) references to the relevant part of his sentence are references to the part of his sentence specified in the order or direction,

and in this Article “appropriate stage”, in relation to such a direction, has the same meaning as in Article 5(6).

- (2) But if a life prisoner is serving two or more life sentences—
 - (a) he is not to be treated for the purposes of this Order as a life prisoner to whom this Article applies unless such an order or direction has been made or given in respect of each of those sentences or such a direction will be required to be given at the appropriate stage; and
 - (b) the release provisions do not apply in relation to him until he has served the relevant part of each of them.
- (3) As soon as—
 - (a) a life prisoner to whom this Article applies has served the relevant part of his sentence; and
 - (b) the Commissioners have directed his release under this Article,

it shall be the duty of the [F15Department of Justice] to release him on licence.

(4) The Commissioners shall not give a direction under paragraph (3) with respect to a life prisoner to whom this Article applies unless—

- (a) the [F15Department of Justice] has referred the prisoner's case to the Commissioners; and
- (b) the Commissioners are satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined.

(5) A life prisoner to whom this Article applies may require the [F15Department of Justice] to refer his case to the Commissioners at any time—

- (a) after he has served the relevant part of his sentence; and
- (b) where there has been a previous reference of his case to the Commissioners, after the end of the period of two years beginning with the disposal of that reference; and
- (c) where he is also serving a sentence of imprisonment or detention for a term, after the time when, but for his life sentence, he would be entitled to be released,

and in this paragraph “previous reference” means a reference under paragraph (4) or Article 9(4).

(6) In determining for the purpose of this Article whether a life prisoner to whom this Article applies has served the relevant part of his sentence, no account shall be taken of any time during which he was unlawfully at large, unless the [F15Department of Justice] otherwise directs.

(7) Where a person has been sentenced to one or more life sentences and to one or more terms of imprisonment or detention, nothing in this Order shall require the [F15Department of Justice] to release the person in respect of any of the life sentences unless and until the [F15Department of Justice] is required to release him in respect of each of the terms.

F15 Words in [art. 6](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), [Sch. 5 para. 4](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

Power to release life prisoners on compassionate grounds

7.—(1) The [F16Department of Justice] may at any time release a life prisoner on licence if [F17the Department of Justice] is satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds.

(2) Before releasing a life prisoner under paragraph (1), the [F18Department of Justice] shall consult the Commissioners, unless the circumstances are such as to render such consultation impracticable.

[^{F19}(3) The Secretary of State may notify the Department of Justice that a life prisoner is not to be released under this Article without the Secretary of State's agreement; and, if the Secretary of State gives such a notification in relation to a prisoner, the Department of Justice may not release the prisoner under this Article without the Secretary of State's agreement.

(4) But the Secretary of State may—

- (a) give a notification, or
- (b) refuse his agreement to a release,

only if his decision to do so is arrived at (wholly or partly) on the basis of protected information.]

- F16** Words in [art. 7\(1\)](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), [Sch. 5 para. 5\(a\)\(i\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)
- F17** Words in [art. 7\(1\)](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), [Sch. 5 para. 5\(a\)\(ii\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)
- F18** Words in [art. 7\(2\)](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), [Sch. 5 para. 5\(b\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)
- F19** [Art. 7\(3\)\(4\)](#) inserted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), [Sch. 5 para. 5\(c\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

Licences and recall

Duration and conditions of licences

8.—(1) Where a life prisoner is released on licence, the licence shall, unless previously revoked under Article 9(1) or (2), remain in force until his death.

(2) A life prisoner subject to a licence shall comply with such conditions (which may include on his release conditions as to his supervision by a probation officer) as may for the time being be specified in the licence; and the [^{F20}Department of Justice] may make rules for regulating the supervision of any descriptions of such persons.

(3) The [^{F20}Department of Justice] shall not include on release, or subsequently insert, a condition in the licence of a life prisoner, or vary or cancel any such condition, except in accordance with recommendations of the Commissioners.

[^{F21}(4) Rules made under paragraph (2) shall be subject to negative resolution.]

[^{F22}(5) The Secretary of State may exercise any power of the Department of Justice to include, insert, vary or cancel conditions in a licence but only if his decision to exercise the power is arrived at (wholly or partly) on the basis of protected information; and, in relation to the exercise of such a power by the Secretary of State, in paragraph (3) the reference to the Department of Justice is to be read as a reference to the Secretary of State.

(6) The Department of Justice must exercise its powers subject to anything done by the Secretary of State by virtue of paragraph (5).]

- F20** Words in [art. 8\(2\)\(3\)](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(2), [Sch. 5 para. 6\(a\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)