
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, PART 10. (See end of Document for details)

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 10

RELEASE ON LICENCE: NORTHERN IRELAND

Extradition Act 2003 (c. 41)

- 73 In each of the following provisions of the Extradition Act 2003 (which set out the circumstances in which a person is entitled to be released from detention for the purposes of the section), for “or 18(8)” substitute “, 18(8) or 20A(8)”
- (a) section 59(11)(d);
 - (b) section 132(11)(d);
 - (c) section 153B(10)(a)(iv).

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).”

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- (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 sub-paragraph (a) substitute—
 - “(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”.

Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))

- 75 (1) In section 55(2) of the Justice Act (Northern Ireland) 2016 (prisoners who may be removed early from prison if liable to removal from the United Kingdom), for the words from “serving an” to the end substitute “—
- (a) who is serving an extended custodial sentence under Article 14 of the 2008 Order, or
 - (b) to whom Article 20A of that Order applies.”
- (2) In the case of a person—
- (a) who has been removed from prison under section 55(2) of the Justice Act (Northern Ireland) 2016 before the amendment made by sub-paragraph (1) comes into force, and
 - (b) to whom Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies,
- subsection (3) of that section continues to apply to the person despite that amendment, but as if for the words “has served the requisite custodial period” there were substituted “becomes entitled to be released in accordance with Article 20A of the 2008 Order”.

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Parole Commissioners' Rules (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 82)

- 76 (1) The Parole Commissioners' Rules (Northern Ireland) 2009 are amended as follows.
- (2) In rule 2(1) (application of the rules), after “Articles 18” insert “, 20A”.
- (3) In rule 7(2) (persons who may act as representatives of prisoner only with consent of Chief Commissioner), in paragraph (b), for the words from “sentenced to” to the end substitute “who —
- (i) is on licence having been released under Article 18 or 20A of the 2008 Order, or
 - (ii) is a person to whom Article 18 or 20A of that Order applies and who is on licence having been released under Article 20 of that Order;”.
- (4) In rule 25 (application of rules to recalled life, indeterminate and extended custodial prisoners)—
- (a) in the heading after “custodial” insert “ and terrorist ”;
 - (b) in the words before paragraph (a), for “an indeterminate custodial or extended custodial prisoner's case” substitute “ the case of a prisoner who was released on licence under Article 18 or 20A of the 2008 Order ”.
- (5) In rule 26 (short custodial terms)—
- (a) for paragraph (1) substitute—

“(1) Subject to paragraph (2), where—

 - (a) the Department of Justice refers to the Commissioners—
 - (i) the case of an extended custodial prisoner under Article 18 of the 2008 Order, or
 - (ii) the case of any prisoner under Article 20A of that Order, and
 - (b) the relevant part of the prisoner's sentence is less than 26 weeks;

these rules shall apply subject to the modifications made by rule 25(a).”;
 - (b) after paragraph (2) insert—

“(3) For the purposes of paragraph (1)(b), the “relevant part of the sentence”—

 - (a) in the case of an extended custodial prisoner to whom Article 18 of the 2008 Order applies, means one half of the appropriate custodial term of the sentence as defined by Article 14(4) or 14(6) of that Order;
 - (b) in the case of a prisoner to whom Article 20A of that Order applies, has the meaning given by paragraph (9) of that Article;

and in determining the length of that part any reduction required by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 is to be taken into account.”

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