

## SCHEDULES

### SCHEDULE 5

#### Release of prisoners on licence

##### *Life Sentences (Northern Ireland) Order 2001*

1. Amend the Life Sentences (Northern Ireland) Order 2001(1) as follows.

#### Commencement Information

- I1** Sch. 5 para. 1 in force at 12.4.2010, see [art. 1\(2\)](#)

2. In Article 2 (interpretation)—

(a) in paragraph (2), in sub-paragraph (b) of the definition of “life sentence”, for “Secretary of State” substitute “Minister in charge of the Department of Justice”;

- (b) after paragraph (2) insert—

“(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.”

#### Commencement Information

- I2** Sch. 5 para. 2 in force at 12.4.2010, see [art. 1\(2\)](#)

3. In Article 5 (determination of tariffs)—

(a) in paragraphs (4) and (5) for “Secretary of State” substitute “Department of Justice”; and

- (b) in paragraph (6)—

(i) for “Secretary of State” substitute “Department of Justice”;

(ii) for “by him” substitute “by the Department of Justice”; and

(iii) for “for him” substitute “for the Department of Justice”.

#### Commencement Information

- I3** Sch. 5 para. 3 in force at 12.4.2010, see [art. 1\(2\)](#)

4. In Article 6 (duty to release certain life prisoners) for “Secretary of State” (wherever occurring) substitute “Department of Justice”.

(1) [S.I. 2001/2564 \(N.I. 2\)](#), as amended by the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 26, paragraph 51, and [S.I. 2008/1216 \(N.I. 1\)](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Life Sentences (Northern Ireland) Order 2001. (See end of Document for details)

**Commencement Information**

**I4** Sch. 5 para. 4 in force at 12.4.2010, see [art. 1\(2\)](#)

**5.** In Article 7 (power to release life prisoners on compassionate grounds)—

- (a) in paragraph (1)—
  - (i) for “Secretary of State” substitute “Department of Justice”;
  - (ii) for “he” substitute “the Department of Justice”;
- (b) in paragraph (2) for “Secretary of State” substitute “Department of Justice”;
- (c) after paragraph (2) insert—

“(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.”

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 12.4.2010, see [art. 1\(2\)](#)

**6.** In Article 8 (duration and conditions of licences)—

- (a) in paragraphs (2) and (3) for “Secretary of State” substitute “Department of Justice”;
- (b) for paragraph (4) substitute—
  - “(4) Rules made under paragraph (2) shall be subject to negative resolution.”;
- (c) after paragraph (4) insert—

“(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).”

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 12.4.2010, see [art. 1\(2\)](#)

**7.** In Article 9 (recall of life prisoners while on licence)—

- (a) in paragraph (1) before “Secretary of State” insert “Department of Justice or the”;
- (b) in paragraph (2)—

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- (i) before “Secretary of State” insert “Department of Justice or the”;
- (ii) after “appears to” insert “it or”;
- (c) in paragraphs (3) and (4) before “Secretary of State” insert “Department of Justice or (as the case may be) the”;
- (d) in paragraph (5) for “Secretary of State” substitute “Department of Justice”;
- (e) after paragraph (6) insert—

“(7) The Secretary of State may revoke the licence of a life prisoner and recall him to prison under this Article only if his decision to revoke the licence and make the recall is arrived at (wholly or partly) on the basis of protected information.”

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**Commencement Information**

**I7** Sch. 5 para. 7 in force at 12.4.2010, see [art. 1\(2\)](#)

**8.** In Article 10 (life prisoners transferred to Northern Ireland)—

- (a) in paragraph (1)—
  - (i) for “Secretary of State” substitute “Department of Justice”; and
  - (ii) for “his opinion” substitute “its opinion”;
- (b) in paragraph (2)—
  - (i) for “the Secretary of State certifies his opinion” substitute “the Department of Justice certifies its opinion”; and
  - (ii) for “the Secretary of State would have directed” substitute “a direction would have been given”; and
- (c) in paragraph (4)(b)(ii) and (iii) omit “by the Secretary of State”.

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**Commencement Information**

**I8** Sch. 5 para. 8 in force at 12.4.2010, see [art. 1\(2\)](#)

**9.** In Article 11 (existing life prisoners)—

- (a) in paragraph (1)—
  - (i) for “Secretary of State” substitute “Department of Justice”; and
  - (ii) for “his opinion” substitute “its opinion”; and
- (b) in paragraph (2)—
  - (i) for “the Secretary of State certifies his opinion” substitute “the Department of Justice certifies its opinion”; and
  - (ii) for “the Secretary of State would have directed” substitute “a direction would have been given”.

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**Commencement Information**

**I9** Sch. 5 para. 9 in force at 12.4.2010, see [art. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Life Sentences (Northern Ireland) Order 2001.