
Changes to legislation: Northern Ireland (Sentences) Act 1998, Cross Heading: Effect of declaration is up to date with all changes known to be in force on or before 29 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

SENTENCES PASSED OUTSIDE NORTHERN IRELAND

Effect of declaration

- 3 Where a declaration is granted under section 3 in accordance with paragraph 1, sections 4 to 14 shall have effect with the following modifications.
- 4 (1) For section 4(1)(b) there shall be substituted—
- “(b) one day for every day of remission which he has lost and not had restored (or additional day which he has been awarded and which has not been remitted) in accordance with prison rules.”.
- (2) The reference in section 4(4) to the time when a prisoner could have been discharged under prison rules shall be treated as a reference to the time when he could have been discharged had the relevant sentence been passed in Northern Ireland for a scheduled offence.
- 5 The references in sections 5 and 10 to section 26 of the ^{M1}Treatment of Offenders Act Northern Ireland) 1968 shall be treated as references to any enactment which has the effect of, or an effect similar to, that section and which applies to the prisoner concerned.

Marginal Citations

M1 1968 c. 29 (N.I.).

- 6 The following shall be substituted for section 7—

“7 Life prisoners: specified dates.

In specifying a day for a prisoner under section 6 the Commissioners must have regard to—

- (a) any order or direction made in relation to the prisoner under section 28 of the ^{M2}Crime (Sentences) Act 1997 (duty to release certain life prisoners);
- (b) any order made in relation to the prisoner under section 34 of the ^{M3}Criminal Justice Act 1991 (duty to release discretionary life prisoners) or certificate under paragraph 9 of Schedule 12 to that Act (transitional provisions);
- (c) any certificate issued by the Lord Justice General in relation to the prisoner under section 16(2) of the ^{M4}Crime and Punishment (Scotland) Act 1997 or paragraph 6 of Schedule 6 to the ^{M5}Prisoners

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- and Criminal Proceedings (Scotland) Act 1993 (transitional provisions);
- (d) any order made in relation to the prisoner under section 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (duty to release designated life prisoners);
 - (e) any other information, whether relating to the prisoner’s case or to other cases, which the Secretary of State submits; and
 - (f) previous decisions of Commissioners.”.

Marginal Citations

- M2** 1997 c. 43.
- M3** 1991 c. 53.
- M4** 1997 c. 48.
- M5** 1993 c. 9.

- 7 For section 15(1)(b) there shall be substituted—
- “(b) that the sentence was passed for an offence equivalent to a qualifying offence.”.
- 8 (1) The reference in section 12(4) to detention at the Secretary of State’s pleasure shall be treated as a reference to detention at Her Majesty’s pleasure or detention for life or without limit of time under section 205 of the ^{M6}Criminal Procedure (Scotland) Act 1995.
- (2) For section 12(5)(b) there shall be substituted—
- “(b) was passed for an offence equivalent to a qualifying offence.”.

Marginal Citations

- M6** 1995 c. 43.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(6A)(6B) inserted by [2023 c. 41 Sch. 12 para. 2\(2\)](#)
- s. 3(7A)(7B) inserted by [2023 c. 41 Sch. 12 para. 2\(4\)](#)
- s. 13A inserted by [2023 c. 41 Sch. 12 para. 4](#)
- Sch. 3 para. 2(A1)(A2) inserted by [2023 c. 41 Sch. 12 para. 3\(2\)](#)
- Sch. 3 para. 2(1A) inserted by [2023 c. 41 Sch. 12 para. 3\(4\)](#)