
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 2

SENTENCING

CHAPTER 4

RELEASE ON LICENCE

Concurrent or consecutive terms

Concurrent terms

32.—(1) This Article applies where—

- (a) a person (“the offender”) has been sentenced by any court to two or more custodial sentences the terms of which are wholly or partly concurrent; and
- (b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions

(2) Where this Article applies—

- (a) nothing in this Chapter requires the Secretary of State to release the offender in respect of any of the terms unless and until the Secretary of State is required to release the offender in respect of each of the others;
- (b) Article 17 does not authorise the Secretary of State to release the offender on licence under that Article in respect of any of the terms unless and until that Article authorises the Secretary of State to do so in respect of each of the others;
- (c) on and after release under this Chapter the offender is to be on licence for so long, and subject to such conditions, as is required by this Chapter in respect of any of the sentences.

(3) Where the sentences include one or more sentences of 12 months or more and one or more sentences of less than 12 months, the terms of the licence may be determined by the Secretary of State in accordance with Article 24(3)(b).

(4) Where a person has been sentenced to one or more custodial sentences and to one or more life sentences, nothing in this Chapter requires the Secretary of State to release the person in respect of any of the custodial sentences unless and until the Secretary of State is required to release him in respect of each of the life sentences.

Consecutive terms

33.—(1) This Article applies where—

- (a) a person (“the offender”) has been sentenced to two or more determinate custodial sentences the terms of which are to be served consecutively on each other; and

(b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions.

(2) Nothing in this Chapter requires the Secretary of State to release the offender on licence until the offender has served a period equal in length to the aggregate of the length of the custodial periods in relation to each of the sentences.

(3) Where any of the sentences is a sentence of 12 months or more, the offender is, on and after release under this Chapter, to be on licence—

- (a) until the offender would, but for having been released, have served a sentence equal in length to the aggregate length of the sentences; and
- (b) subject to such conditions as are required by this Chapter in respect of each of those sentences.

(4) Where each of the sentences is a sentence of less than 12 months, the offender is, on and after release under this Chapter, to be on licence until the relevant time, and subject to such conditions as are required by this Chapter in respect of any of the sentences, and none of the sentences is to be regarded for any purpose as continuing after the relevant time

(5) In paragraph (4) “the relevant time” means the time when the offender would, but for having been released, have served a sentence equal in length to the aggregate of—

- (a) all the custodial periods in relation to the sentences; and
- (b) the longest of the licence periods in relation to those sentences.

(6) In this Article—

- (a) “custodial period”—
 - (i) in relation to an extended sentence, means the appropriate custodial term determined under Article 14;
 - (ii) in relation to any other custodial sentence, means the custodial period specified under Article 8(2);
- (b) “licence period” has the meaning given by Article 8(5).