



# Northern Ireland (Sentences) Act 1998

## 1998 CHAPTER 35

*Release: further provisions*

### 10 Accelerated release.

- (1) This section applies if—
  - (a) a prisoner is granted a declaration in relation to a sentence, and
  - (b) the day on which he has a right to be released under section 4 or 6 (so far as that sentence is concerned) falls after the accelerated release day.
- (2) He has a right to be released under the section concerned (so far as that sentence is concerned) on the accelerated release day.
- (3) But if the accelerated release day is a listed day (within the meaning of section 4(3)) he has a right to be released on the next non-listed day.
- (4) In the case of a sentence passed before the day on which this Act comes into force, the accelerated release day is the second anniversary of that day.
- (5) In the case of a sentence—
  - (a) passed after the day on which this Act comes into force, and
  - (b) treated in accordance with section 26 of the <sup>M1</sup>Treatment of Offenders Act Northern Ireland) 1968 as reduced by a period of custody beginning before the day on which this Act comes into force,the accelerated release day is the second anniversary of that day.
- (6) In the case of any other sentence passed after the day on which this Act comes into force, the accelerated release day is the second anniversary of the start of the sentence (or the start of any period of custody by which the sentence is treated as reduced in accordance with section 26 of the 1968 Act).
- [<sup>F1</sup>(7) Nothing in this section shall permit the release of a prisoner following a declaration under section 3(1)—
  - (a) before he has served two years of the sentence to which the declaration relates;or

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(b) at any time when an application under section 8(1) for revocation of the declaration has yet to be finally determined;

and for the purpose of paragraph (a) any period of custody by which the sentence is treated as reduced in accordance with section 26 of the 1968 Act shall be treated as served as part of the sentence.]

(8) The Secretary of State may by order amend subsections (4) to (7).

#### Textual Amendments

F1 S. 10(7) substituted (27.7.2000) by S.I. 2000/2024, art. 2

#### Marginal Citations

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

## 11 Notice of decisions.

- (1) If Commissioners refuse an application under section 3 they must give notice of their decision and the reasons for it to the prisoner and to the Secretary of State.
- (2) If Commissioners grant an application under section 3 they must—
  - (a) give notice of their decision to the prisoner and to the Secretary of State, and
  - (b) include in the notice a statement of the day specified under section 6(1), if the prisoner is a life prisoner.
- (3) If Commissioners revoke a declaration under section 8 they must give notice of the revocation and the reasons for it to the prisoner and to the Secretary of State.
- (4) If the Secretary of State suspends a licence under section 9(2) he must give notice of the suspension and the reasons for it to the person concerned and to the Commissioners.
- (5) If Commissioners make a decision under section 9(4) they must give notice of their decision and the reasons for it to the person concerned and to the Secretary of State.

## 12 Interpretation: prisoners and sentences.

- (1) This section has effect for the purposes of this Act.
- (2) A fixed term prisoner is a prisoner serving a sentence of imprisonment for a fixed term.
- (3) A life prisoner is a prisoner serving a sentence of imprisonment for life.
- (4) References to a sentence of imprisonment for life include references to a sentence of detention at the Secretary of State's pleasure.
- (5) Two or more consecutive sentences being served by a prisoner shall be treated as a single sentence if they were passed on the same occasion and each—
  - (a) is for at least five years, and
  - (b) was passed in Northern Ireland for a qualifying offence (within the meaning of section 3).

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### 13 Interpretation: terrorism.

In this Act “terrorism” means the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear.

### 14 Inadmissibility.

- (1) This section relates to evidence and information provided to Commissioners by or on behalf of a person in connection with his application under section 3 or with subsequent proceedings under this Act regarding his sentence.
- (2) The evidence or information shall not be admissible in—
  - (a) proceedings for an offence under section 2(1), 3, 9, 10, 11 or 18 of the <sup>M2</sup>Prevention of Terrorism (Temporary Provisions) Act 1989;
  - (b) proceedings for an offence under section 29, 30(1), 31 or 35 of the <sup>M3</sup>Northern Ireland (Emergency Provisions) Act 1996;
  - (c) proceedings for an offence under section 5 of the <sup>M4</sup>Criminal Law Act 1967 or of the <sup>M5</sup>Criminal Law Act Northern Ireland) 1967 which relates to an offence mentioned in paragraph (a) or (b);
  - (d) proceedings for an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence mentioned in any of paragraphs (a) to (c), or of attempting or conspiring to commit an offence so mentioned.
- (3) The evidence or information shall not—
  - [<sup>F2</sup>(a) be admissible in proceedings on applications made under paragraph 1, 2, 5, 11, 13, 22, 28 or 30 of Schedule 5 to the Terrorism Act 2000.]
  - (b) be admissible in proceedings under section 93H or 93I of the <sup>M6</sup>Criminal Justice Act 1988, section 18 or 19 of the <sup>M7</sup>Proceeds of Crime (Scotland) Act 1995 or article 50 or 51 of the <sup>M8</sup>Proceeds of Crime (Northern Ireland) Order 1996;
  - (c) be admissible in proceedings under, or the subject of an order under, section 93J of the <sup>M9</sup>Criminal Justice Act 1988, section 20 of the <sup>M10</sup>Proceeds of Crime (Scotland) Act 1995 or article 54 of the <sup>M11</sup>Proceeds of Crime (Northern Ireland) Order 1996;
  - (d) be the subject of a notice under Schedule 2 to that Order.
- (4) Subsection (2) shall not prevent the admission of evidence adduced on behalf of the accused.

#### Textual Amendments

**F2** S. 14(3)(a) substituted (19.2.2001) by 2000 c. 11, s. 125, **Sch. 15 para. 16(3)(a)**; S.I. 2001/421, **art. 2**

#### Modifications etc. (not altering text)

**C1** S. 14(2) amended (19.2.2001) by 2000 c. 11, s. 125, **Sch. 15 para. 17**; S.I. 2001/421, **art. 2**

**C2** S. 14(2)(d) modified (E.W. N. I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 35** (with **Sch. 13 para. 5**); S.I. 2008/2504, **art. 2(a)**

#### Marginal Citations

**M2** 1989 c. 4.

**M3** 1996 c. 22.

**M4** 1967 c. 58.

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<b>M5</b>	1967 c. 18 (N.I.).
<b>M6</b>	1988 c. 33.
<b>M7</b>	1995 c. 43.
<b>M8</b>	1996 S.I. 1299 (N.I. 9).
<b>M9</b>	1988 c. 33.
<b>M10</b>	1995 c. 43.
<b>M11</b>	1996 S.I. 1299 (N.I. 9).

## 15 Information for victims.

- (1) The Secretary of State shall provide a statement under this section about a person if he receives a written request to do so and he believes—
  - (a) that the person about whom the statement is sought is serving a sentence of imprisonment in Northern Ireland for a fixed term of at least five years or for life,
  - (b) that the sentence was passed in Northern Ireland for a qualifying offence, and
  - (c) that the person requesting the statement, or a member of his family, was a victim of the offence for which the sentence was passed.
- (2) But the Secretary of State shall not provide a statement if he believes that to do so would create a danger to the safety of any person.
- (3) A statement under this section about a person shall state—
  - (a) whether he has made an application under section 3;
  - (b) if he has made an application, whether it has been granted;
  - (c) if his application has been granted, whether he has been released and the date on which he has a right to be released, or on which he was released, under section 4 or 6;
  - (d) if he has been released on licence, whether his licence has been suspended under section 9(2) and, if so, whether it has been confirmed or revoked under section 9(4);
  - (e) if he has been released on licence under section 4, the date on which the licence will expire.
- (4) If the Secretary of State has issued a statement under this section and becomes aware that any of the information in it has ceased to be accurate, he shall send a revised statement to the person who made the original request at his last known address.

## 16 Power to suspend and revive.

- (1) The Secretary of State may make orders suspending, or later reviving, the operation of section 3.
- (2) A suspension order under subsection (1) shall, subject to any later revival order, prevent—
  - (a) the granting of a declaration on an application already made under section 3, and
  - (b) the release of a person under section 4 or 6 pursuant to a declaration already granted.
- (3) The Secretary of State may make orders suspending, or later reviving, the operation of section 10.

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- (4) A suspension order under subsection (1) or (3) shall have no effect in relation to a sentence in respect of which a licence under this Act is current or suspended when the order comes into force; but the order shall have effect in relation to the sentence if the licence is revoked after the order comes into force.

**Changes to legislation:**

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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\(4\)](#)