

## STATUTORY INSTRUMENTS

# 1980 No. 704

## Criminal Justice (Northern Ireland) Order 1980

### Miscellaneous and supplementary

PROSPECTIVE

#### **[<sup>F1</sup>Extension of disqualification where custodial sentence also imposed**

**8A.**—(1) This Article applies where a person is convicted of an offence for which the court—

- (a) imposes a custodial sentence, and
- (b) orders the person to be disqualified under Article 8 for holding or obtaining a driving licence or a provisional licence granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).

(2) The order under Article 8 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.

(3) The discretionary disqualification period is the period for which, in the absence of this Article, the court would have disqualified the person under Article 8.

(4) The appropriate extension period is—

- (a) where a court imposes a sentence under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) (punishment of grave crimes: indeterminate sentences), a period equal to the period specified in the sentence under Article 45(2) of that Order less any relevant discount;
- (b) where an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order less any relevant discount;
- (c) where Article 8(1) of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (sentence for a determinate term) applies in relation to the custodial sentence, a period equal to the custodial period specified pursuant to Article 8(2) of that Order less any relevant discount;
- (d) where a court imposes a sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (indeterminate custodial sentences for serious offences), a period equal to the period specified pursuant to Article 13(3)(b) of that Order less any relevant discount;
- (e) where Article 14(3) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged over 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(3)(a) of that Order calculated after that term has been reduced by any relevant discount;
- (f) where Article 14(5) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged under 21) applies in

**Status:** This version of this provision is prospective.

**Changes to legislation:** Criminal Justice (Northern Ireland) Order 1980, Section 8A is up to date with all changes known to be in force on or before 03 July 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

relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(5)(a) of that Order calculated after that term has been reduced by any relevant discount;

(g) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.

(5) If a period determined under paragraph (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

(6) The “relevant discount” is the number of days by which the custodial sentence is treated as reduced by virtue of section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29) (periods in custody before sentence passed etc).

(7) This Article does not apply where—

- (a) the custodial sentence was a suspended sentence, or
- (b) the court has made an order under Article 5(3) of the Life Sentences (Northern Ireland) Order 2001 (life sentence: no early release) in relation to the custodial sentence.

(8) Paragraph (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in Article 18(2)(b) of the Criminal Justice (Northern Ireland) Order 2008 (duty to release prisoners serving extended custodial sentences) is to be read as a reference to another proportion (“the new proportion”).

(9) The Secretary of State may by order provide that the proportion specified in paragraph (4) (e) and (f) of this Article is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.

(10) An order under paragraph (9) is subject to [F2negative resolution ].

(11) In this Article—

“amending order” means an order under Article 18(9) of the Criminal Justice (Northern Ireland) Order 2008 (alteration by order of relevant part of sentence);

“custodial sentence” has the meaning given by Article 4 of the Criminal Justice (Northern Ireland) Order 2008;

“suspended sentence” means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.]

**F1** Arts. 8A, 8B inserted (prosp.) by Coroners and Justice Act 2009 (c. 25), ss. 137, 182(5), Sch. 16 para. 1 (with s. 180, Sch. 22 para. 29)

**F2** Art. 8A(10): words substituted (12.4.2010) to earlier affecting provision Coroners and Justice Act 2009 (c. 25), Sch. 16 para. 1 by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 104(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)

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

**C1** Art. 8A excluded by 2003 c. 32, s. 54(3B)(a) (as inserted (1.8.2017) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 7 para. 2(4) (with Sch. 7 para. 27); S.I. 2017/189, art. 3)

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**Changes and effects yet to be applied to :**

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.26\(1\)Sch.2 para 9](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s. 74\(2\)\(3\)Schs.56](#)

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

- Act rev.in pt. (prosp.) by [1996 c. 25 ss.7479Sch.4 para.36](#)
- Act rev.in pt. (prosp.) by [1996 c. 25 ss.7479Sch.4 para.36](#)

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

- Sch. 1 para. 64 repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant text is no longer available.)
- arts.3457 rev (prosp) by [S.I. 1994/2795 \(N.I.\) art.26\(2\)Sch.3](#)