
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 2

SENTENCING

CHAPTER 4

RELEASE ON LICENCE

Concurrent or consecutive terms

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 [F¹Department of Justice] 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”—

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008, Section 33 is up to date with all changes known to be in force on or before 22 June 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

- (i) in relation to [^{F2}a serious terrorism sentence,] an extended sentence [^{F3}or an Article 15A terrorism sentence], means the appropriate custodial term determined under Article [^{F4}13A,] 14 [^{F5}or 15A];
 - (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).

Textual Amendments

- F1** Words in art. 33(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 28** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F2** Words in art. 33(6)(a)(i) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 66(12)(a)**
- F3** Words in art. 33(6)(a)(i) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 72(9)(a)**
- F4** Word in art. 33(6)(a)(i) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 66(12)(b)**
- F5** Words in art. 33(6)(a)(i) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 72(9)(b)**

Commencement Information

- I1** Art. 33 partly in operation; art. 33 not in operation at date Order made see art. 1(4); art. 33(1)-(3)(6)(a)(i) in operation for certain purposes at 15.5.2008 by S.R. 2008/217, **art. 2**, Sch. (with transitory provision in art. 4); art. 33(1)-(3)(6) in operation at 1.4.2009 in so far as not already in operation by S.R. 2009/120, **art. 2**, Sch. 1 (subject to Sch. 2 paras. 3, 4)

Changes to legislation:

The Criminal Justice (Northern Ireland) Order 2008, Section 33 is up to date with all changes known to be in force on or before 22 June 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.

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

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

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)