

Status: Point in time view as at 01/05/2024.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12

Section 48

PRISONER RELEASE

Amendment and saving of legislation

- 1 (1) The Northern Ireland (Sentences) Act 1998 is amended in accordance with this Schedule.
- (2) Those amendments do not apply in relation to any application for a declaration made to the Commissioners under section 3(1) of the Northern Ireland (Sentences) Act 1998 before this Schedule comes into force.

Commencement Information

- II** Sch. 12 para. 1 in force at 1.5.2024, see s. 63(3)

Qualifying offences: offences committed between 1966 and 1973

- 2 (1) Section 3 (applications to the Sentence Review Commissioners) is amended in accordance with this paragraph.
- (2) After subsection (6) insert—
 - “(6A) An offence is a qualifying offence if—
 - (a) subsection (7) or (7A) applies to the offence, and
 - (b) the prisoner was convicted of the offence—
 - (i) before the day on which section 19(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or
 - (ii) on or after that day by virtue of a public prosecution begun before that day.
 - (6B) For the purposes of subsection (6A)—
 - (a) “public prosecution” means any prosecution other than a private prosecution;
 - (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”
- (3) In subsection (7)—
 - (a) in the opening words, for “A qualifying offence is” substitute “This subsection applies to”;
 - (b) in paragraph (a), after “committed” insert “on or after 8 August 1973 and”.
- (4) After subsection (7) insert—

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“(7A) This subsection applies to an offence which—

- (a) was committed on or after 1 January 1966 and before 8 August 1973,
- (b) arose out of any conduct forming part of the Troubles, and
- (c) is certified by the Director of Public Prosecutions for Northern Ireland as an offence which, if it had been committed in Northern Ireland on 8 August 1973, would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973.

(7B) In deciding whether an offence would have been a scheduled offence, the Director of Public Prosecutions for Northern Ireland must ignore the possibility of a certificate by the Attorney General for Northern Ireland that the offence was not to be treated as a scheduled offence.”

Commencement Information

I2 Sch. 12 para. 2 in force at 1.5.2024, see s. 63(3)

Offences equivalent to qualifying offences: offences committed between 1966 and 1973

3 (1) In Schedule 3 (sentences passed outside Northern Ireland), paragraph 2 (equivalent offences) is amended in accordance with this paragraph.

(2) Before sub-paragraph (1) insert—

“(A1) An offence is equivalent to a qualifying offence if—

- (a) sub-paragraph (1) or (1A) applies to the offence, and
- (b) the prisoner was convicted of the offence—
 - (i) before the day on which section 19(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or
 - (ii) on or after that day by virtue of a public prosecution begun before that day.

(A2) For the purposes of sub-paragraph (A1)—

- (a) “public prosecution” means any prosecution other than a private prosecution;
- (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”

(3) In sub-paragraph (1)—

- (a) for “An offence is equivalent to a qualifying offence if it” substitute “This sub-paragraph applies to an offence which”;
- (b) in paragraph (a), after “committed” insert “on or after 8 August 1973 and”;
- (c) for paragraph (b) substitute—
 - “(b) arose out of any conduct forming part of the Troubles, and”.

(4) After sub-paragraph (1)—

“(1A) This sub-paragraph applies to an offence which—

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- (a) was committed on or after 1 January 1966 and before 8 August 1973,
- (b) arose out of any conduct forming part of the Troubles, and
- (c) is certified by the appropriate Law Officer as an offence which, if it had been committed in Northern Ireland on 8 August 1973, would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973.”

(5) In sub-paragraph (2), after “sub-paragraph (1)(c)” insert “or (1A)(c)”.

Commencement Information

I3 Sch. 12 para. 3 in force at 1.5.2024, see s. 63(3)

Interpretation of the 1998 Act

4 After section 13 insert—

“13A Interpretation: conduct forming part of the Troubles

In this Act “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).”

Commencement Information

I4 Sch. 12 para. 4 in force at 1.5.2024, see s. 63(3)

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