

2004 No. 3009

PRISONS

**The Northern Ireland (Sentences) Act 1998 (Specified
Organisations) Order 2004**

Approved by both Houses of Parliament

Made - - - - 14th November 2004

Laid before Parliament 17th November 2004

Coming into force - - 15th November 2004

Whereas the Secretary of State considers it necessary by reason of urgency for this Order to be made without a draft having been approved by resolution of each House of Parliament:

And whereas the Secretary of State believes that the organisations specified in the Schedule to this Order are concerned in terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and that they have not established or are not maintaining a complete and unequivocal ceasefire:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 3(8) of the Northern Ireland (Sentences) Act 1998(a), hereby makes the following Order:

1.—(1) This Order may be cited as the Northern Ireland (Sentences) Act 1998 (Specified Organisations) Order 2004 and shall come into force on 15th November 2004.

(2) The Northern Ireland (Sentences) Act 1998 (Specified Organisations) Order 2001(b) is hereby revoked.

2. The organisations specified in the Schedule to this Order are specified organisations for the purposes of the Northern Ireland (Sentences) Act 1998.

Northern Ireland Office
14th November 2004

Paul Murphy
One of Her Majesty's Principal Secretaries of State

(a) 1998 c.35
(b) S.I. 2001/3411

SCHEDULE 1

Article 2

Specified Organisations

The Continuity Irish Republican Army

The Loyalist Volunteer Force

The organisation using the name “The Orange Volunteers” and in the name of which a statement described as a press release was published on 14 October 1998

The “Real” Irish Republican Army

The Red Hand Defenders

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 3 of the Northern Ireland (Sentences) Act 1998 the Secretary of State must specify an organisation if he believes that it is concerned with terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and that it has not established or is not maintaining a complete and unequivocal ceasefire. The Secretary of State is obliged to review the list of specified organisations from time to time.

Following such a review the Secretary of State has decided that the Ulster Defence Association and the Ulster Freedom Fighters no longer need to be specified but that the Continuity IRA, the 'Real' IRA, the Loyalist Volunteer Force, the Red Hand Defenders and the Orange Volunteers (which were specified by S.I 2001/3411 which this Order revokes) should continue to be specified.

The effect of specifying an organisation is that a prisoner who is, or who would be likely to become, a supporter of such an organisation, is ineligible for release under the 1998 Act or, if released, is liable to recall to prison.

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