

2009 No. 81

CRIMINAL LAW

**The Criminal Justice (Sentencing) (Licence Conditions)
(Northern Ireland) Rules 2009**

Made - - - - - *5th March 2009*
Coming into operation - *1st April 2009*
To be laid before Parliament

The Secretary of State makes the following Rules in exercise of the powers conferred by Article 24(1) and (3) of the Criminal Justice (Northern Ireland) Order 2008(a), and having regard to the purposes of the supervision of offenders while on licence set out in Article 24(8) of that Order.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) Rules 2009 and shall come into operation on 1 April 2009.

(2) In these Rules “the Order” means the Criminal Justice (Northern Ireland) Order 2008.

Standard Conditions of Licence

2.—(1) The conditions set out in paragraphs (2) and (3) are the standard conditions prescribed for the purposes of Article 24(1) of the Order.

(2) The prisoner must —

- (a) Keep in touch with the probation officer as instructed by the probation officer;
- (b) Receive visits from the probation officer as instructed by the probation officer;
- (c) Permanently reside at an address approved by the probation officer and obtain the prior permission of the probation officer for any change of address;
- (d) Undertake such work, including voluntary work, as approved by the probation officer, and obtain the prior permission of the probation officer for any proposed change; and
- (e) Not travel outside the United Kingdom, the Channel Islands or the Isle of Man without the prior permission of the probation officer, except where the prisoner is deported or removed from the United Kingdom in accordance with the Immigration Act 1971(b) or the Immigration and Asylum Act 1999(c).

(3) The prisoner must not —

(a) SI 2008/1216 (NI)
(b) 1971 C.77
(c) 1999 C.33

- (a) Behave in a way which undermines the purposes of the release on licence, which are the protection of the public, the prevention of re-offending and the rehabilitation of the offender;
- (b) Commit any offence.

Other Conditions of Licence

3.—(1) Conditions of a kind set out in paragraph (2) are prescribed for the purposes of Article 24(3)(b) of the Order.

(2) The conditions are those which impose on a prisoner:

- (a) A requirement that the prisoner resides at a certain place;
- (b) A requirement as to the prisoner making or maintaining contact with a person, more than one person or identified group;
- (c) A restriction relating to the prisoner making or maintaining contact with a person, more than one person or identified group;
- (d) A restriction on the prisoner's participation in any activity;
- (e) A requirement that the prisoner participates in or co-operates with a programme or set of activities, which may include testing, designed to further one or more of the purposes referred to in Article 24(8) of the Order;
- (f) A requirement that the prisoner complies with a curfew arrangement;
- (g) A requirement that the prisoner complies with an electronic monitoring arrangement;
- (h) A restriction on the prisoner's freedom of movement which is not a requirement referred to in sub-paragraph (f);
- (i) Any other requirement relating to the prisoner's supervision in the community by a probation officer.

(3) For the purpose of these Rules, "curfew arrangement", means an arrangement under which a prisoner is required to remain at a specific place for a specified period of time which is not an arrangement contained in a condition imposed by Article 26(1) of the Order.

Northern Ireland Office
5 March 2009

Paul Goggins
Minister of State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the standard and other conditions which may be contained in a licence issued under the provisions of the Criminal Justice (Northern Ireland) Order 2008.

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