

Court of Appeal considers the position of transferred life sentence prisoners

James Danks and Semin Taner act on ground breaking Court of Appeal case which rules on tariffs for murderers convicted in foreign jurisdiction.

Reported recently in the Weekly Law Reports, *Norman Hull v Regina [2011] EWCA Crim 1261* led to an important Court of Appeal (Criminal Division) ruling on the determination of the early release date where a murderer has been convicted in a foreign jurisdiction but then transferred to the UK to serve their sentence.

Mr Hull was convicted of murder in the Republic of Ireland and sentenced to “imprisonment for life” with no minimum term being set. After 7 years the Irish Minister of Justice authorised Mr Hull’s parole review to consider his release. However, before the review took place, Mr Hull applied for his transfer to the UK to serve his sentence in an English prison and consent was granted. The High Court set his early release date at a minimum term of 18 years.

Mr Hull appealed this term and it was held by the Court of Appeal that it was not the function of the High Court to simply convert Mr Hull’s sentence as though it had been imposed in England and Wales but rather to consider what would have been imposed in the sentencing state (Ireland) and the remainder of the sentence to be served in the administering state (United Kingdom) which in different penal systems between Member States could result in serving a longer period in custody in the administering state than he would if he had remained in the sentencing state. It was also held by the Court of Appeal that Mr Hull’s minimum term of 18 years’ imprisonment was not excessive.

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