



Treatment of Offenders Act (Northern Ireland) 1968

1968 CHAPTER 29

PART I

PROVISIONS WITH RESPECT TO SENTENCES ON AND DETENTION OF YOUNG OFFENDERS

YOUNG OFFENDERS CENTRES

[^{F1}5 Detention in a young offenders centre.

(1) Where—

- (a) a person of not less than sixteen but under twenty-one years of age has been convicted (whether summarily or on indictment) of an offence which is punishable with imprisonment in the case of a person aged twenty-one years or over; and

(b) the court considers that he should serve a term of detention,
the court may, subject to^{F2} Article 47 of the Criminal Justice (Children) (Northern Ireland) Order 1998], order him to be detained in a young offenders centre for a term which shall not exceed—

- (i) the maximum term of imprisonment which the court could impose for the offence in the case of a person aged twenty-one years or over; or
- (ii) four years,

whichever is the lesser.

(2) Where the court orders a person to be detained in a young offenders centre under subsection (1) for a term which exceeds—

- (a) eighteen months, in the case of a person who has previously served a sentence of imprisonment or a term of detention in a young offenders centre;

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- (b) six months, in any other case,
 it shall state the reason and cause it to be entered in the record of the proceedings along with the sentence.
- (3) Where—
- (a) a person of not less than sixteen but under twenty-one years of age has been guilty of any default for which the court could, if he were aged twenty-one years or over, commit him to prison; and
 - (b) the court considers that he should serve a term of detention,
 the court may, subject to^{F2}[^{F3}Article 46C] of the Criminal Justice (Children) (Northern Ireland) Order 1998], order him to be detained in a young offenders centre for a term not exceeding that for which, if he were aged twenty-one years or over, he could be committed to prison.
- (4) Where a court orders a person to be detained in a young offenders centre, it may order that the term of that detention shall commence on the expiration of any other term of detention ordered by that or any other court.
- (5) Where the Crown Court orders a person to be detained in a young offenders centre for two or more terms of detention to run consecutively, the aggregate of those terms shall not exceed four years.
- (6) Where a magistrates' court orders a person to be detained in a young offenders centre for two or more terms of detention to run consecutively, the aggregate of those terms shall not exceed—
- (a) except as provided by paragraph (b) or any other enactment, twelve months;
 - (b) in the case of terms of detention in respect of indictable offences tried summarily, eighteen months.]

F1 1989 NI 15

F2 1998 NI 9

F3 Words in s. 5(3) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 30\(6\), 61\(2\)](#) (with s. 30(12)); S.R. 2018/99, art. 2(a)

S. 6 rep. by 1976 NI 4

7 Transfer of young offenders between institutions.

- (1) The Minister may direct that a person under twenty-one years of age detained in a young offenders centre—

Para. (a) rep. by 1980 NI 10

- (b) be transferred to a prison, where^{F4} it appears to the Secretary of State that that person is incorrigible or is] exercising a bad influence on the other inmates of the centre; and the Minister may commute the unexpired part of the term for which that person is then liable to be so detained to a term of imprisonment equivalent to the said unexpired part, and for the purposes of the Prison Act and this Act that person shall be treated as if he had been sentenced to imprisonment or committed to prison and detained in prison from the date on which his sentence began to run or, as the case may be, of his committal.

Subs. (2) rep. by 1980 NI 10

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- (3) The Minister may, in the case of any person who is under twenty-one years of age and who is serving a sentence of imprisonment under which he would not normally be released within the three months then next following or who has been committed to prison, transfer that person to a young offenders centre and upon such transfer such person may be detained for a term equal to the unexpired part of his sentence or, as the case may be, of his committal; and for the purposes of the Prison Act and this Act, he shall be treated as if he had been ordered to be detained in a young offenders centre and detained in such centre from the date on which his period of detention began to run.

Subs. (4) rep. by 1980 NI 10

F4 2005 NI 15

8 Transfer to prison of persons over twenty-one and maximum age for detention in a young offenders centre.

- (1) Subject to the provisions of this section, where a person ordered to be detained in a young offenders centre has attained the age of twenty-one years, the Minister may transfer him to prison.
- (2) No person shall be detained in a young offenders centre after he has attained the age of^{F5} twenty-four], and accordingly any person so detained shall, not later than the day immediately preceding his^{F5} twenty-fourth] birthday, be transferred to prison; but this subsection shall not apply to any person who is detained in a young offenders centre—

Para. (a) rep. by 1976 NI 4; 1980 NI 10

- (b) in pursuance of an order made by a court under ...^{F6} [^{F7} ...^{F6} Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976].
- (3) Where a person has been transferred to prison under this section, he shall be treated for the purposes of the Prison Act and this Act as if the order for detention made in relation to him were a sentence of imprisonment or an order of committal, and as if he had been detained in prison from the date on which his sentence began to run or, as the case may be, of his committal.

F5 1989 NI 15

F6 1980 NI 10

F7 1976 NI 4

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