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;

(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)

Status:
Point in time view as at 01/06/2018.

Changes to legislation:
There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968, Section 5.