



Treatment of Offenders Act (Northern Ireland) 1968

1968 CHAPTER 29

PART I **N.I.**

PROVISIONS WITH RESPECT TO SENTENCES ON AND DETENTION OF YOUNG OFFENDERS

YOUNG OFFENDERS CENTRES

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

(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,

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

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)

Changes to legislation:

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