Treatment of Offenders Act (Northern Ireland) 1968

1968 CHAPTER 29

PART I

PROVISIONS WITH RESPECT TO SENTENCES ON AND DETENTION OF YOUNG OFFENDERS

RESTRICTIONS ON IMPRISONMENT

1 Restrictions on imprisonment.

(1) Subject to subsections (2) and (3), and without prejudice to any other enactment prohibiting or restricting the imprisonment of persons of or below a specified age, a court shall not pass a sentence of imprisonment on, or commit to prison for any default, a person who has not attained twenty-one years of age.

(2) Nothing in subsection (1) shall affect the power of a court to pass a sentence of imprisonment (where the court has power to pass such a sentence) for a term of**[**[F1] more than four years**]**.

(3) Subsection (1) shall not apply in the case of a person who is serving a sentence of imprisonment at the time when the court passes sentence …[F2].

(4) Nothing in subsection (1) shall affect the power of the Minister of Home Affairs[F3] (in this Act referred to as "the Minister") to commute to a term of imprisonment—

Para. (a) rep. by 1980 NI 10

(b) a term of detention in a young offenders centre under section 7(1)(*b*) of this Act.

F1 1989 NI 15

F2 1976 NI 4
F3 Functions transf., SI 1973/2163

INSTITUTIONS FOR OFFENDERS

2 Young offenders centres and remand centres.

The powers exercisable by the Ministry of Home Affairs[F4] (in this Act referred to as "the Ministry") under the Prison Act shall include the provision, maintenance, administration, regulation and management of—

(a) **[**[F5]young offenders centres, that is to say, places—

(i) in which offenders, who have been ordered to be detained therein under any enactment, may be kept for suitable training and instruction; and

(ii) in which persons not less than**[**[F6] fifteen**]** but under 21 years of age who are either remanded in custody or committed in custody for trial may be detained in accordance with any enactment.**]**

(b) remand centres, that is to say, places—

(i) for the detention of persons not less than**[**[F6] fifteen**]** but under twenty-one years of age who are either remanded or committed in custody for trial; and

(ii) for the detention for any temporary purpose, or for the purpose of providing maintenance, domestic and other services for that centre, of any persons required to be detained in an institution to which the Prison Act applies; and

(c) facilities in remand centres for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case;

and accordingly, that Act shall have effect in relation to young offenders centres and remand centres and to persons detained therein as it has effect in relation to prisons and prisoners,[F7]. . .

F4 Functions transf., SI 1973/2163
F5 1989 NI 15
F6 1998 NI 9
F7 2005 NI 15

S. 3 rep. by 2005 NI 15

4 Exercise of powers of release.

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act applies may be exercised notwithstanding that he is not for the time being detained in that prison or institution and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that prison or institution.

YOUNG OFFENDERS CENTRES

[[F8]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**[**[F9] 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**[**[F9]**[**[F10]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.**]**

F8 1989 NI 15
F9 1998 NI 9
F10 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**[**[F11] 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

(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

F11 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**[**[F12] twenty-four**]**, and accordingly any person so detained shall, not later than the day immediately preceding his**[**[F12] 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 …[F13] [[F14] …[F13] 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.

F12 1989 NI 15
F13 1980 NI 10
F14 1976 NI 4

REMAND CENTRES

9 Remand and committal of persons under twenty-one.

(1) Where a court either remands or commits for trial a person**[**[F15] not being less than seventeen but**]** under twenty-one years of age who is charged with or convicted of an offence and is not released on bail,[F15]. . . he shall be committed to a remand centre instead of being committed to prison;

Para. (b) rep. by 1998 NI 9
Subs. (2) rep. by 1980 NI 10
Subs. (3) rep. by 1998 NI 9

F15 1998 NI 9

Ss. 10#13 rep. by SLR 1980; 1980 NI 10

S. 14(1)(2) rep. by SLR 1980; subs. (3) rep. by 1980 NI 10; subs. (4) spent; subs. (5) rep. by 1980 NI 10

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