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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 7**

**Magistrates' Courts (Criminal Justice  
(Children)) Rules (Northern Ireland) 1999**

**Part II**

**Proceedings in Criminal Matters**

**A.**

***General***

**Application of this Part**

3.—(1) Subject to paragraphs (3) and (4), this Part applies where proceedings to which paragraph (2) applies are brought in a court in respect of a child.

(2) This paragraph applies to proceedings in which the child is charged with an offence, and, where he appears or is brought before the court, to proceedings under—

- (a) Article 38 of the Order (discharge, revocation or variation of attendance centre orders);
- (b) Article 41 of the Order (breach of supervision requirements of juvenile justice centre order);
- (c) Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996<sup>(1)</sup> (breaches of requirements of, revocation and amendment of, community orders);
- (d) Article 54 of the Order (escapes from juvenile justice centres); or
- (e) Paragraph 6 of Schedule 2 to the Order (transfer to young offenders centre).

(3) Where proceedings are of a kind mentioned in paragraph (2), Rules 6 and 12 shall not apply.

(4) Where the court is conducting a preliminary investigation or inquiry, only Rules 4, 5 and 7(3) shall apply.

**Right of parent or guardian to conduct case**

4.—(1) The court shall, except where the child is legally represented, allow his parent or guardian to assist him in conducting his defence, including the cross-examination of witnesses for the prosecution.

(2) Where the parent or guardian cannot be found or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of this Part and any reference therein to the parent or guardian shall be taken as a reference to such person.

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(1) [S.I. 1996/3160 \(N.I. 24\)](#)

### **Explanation of proceedings in simple language**

5.—(1) The court shall explain to the child the nature of the proceedings and, where he is charged with an offence, the substance of the charge.

(2) The explanation shall be given in simple language suitable to the child's age and understanding.

### **Taking plea**

6. Subject to the provisions of Article 17 of the Order and to Rule 9, the court shall, after giving an explanation of the charge as required by Rule 4, ask the child whether he admits the charge and where he does so, the court at any time before recording a finding of guilt may allow or advise him to plead not guilty thereto.

### **Evidence in support of charge or application**

7.—(1) Where—

- (a) the child is charged with an offence and does not admit the charge; or
- (b) the proceedings are of a kind mentioned in Rule 3(2),

the court shall hear the evidence of the witnesses in support of the charge or, as the case may be, the application.

(2) Except where—

- (a) the proceedings are of a kind mentioned in Rule 3(2); and
- (b) the child is the applicant,

each witness may at the close of his evidence-in-chief be cross-examined by or on behalf of the child.

(3) If in any case where the child is not legally represented or assisted in his defence as provided by Rule 4, the child, instead of asking questions by way of cross-examination, makes assertions, the court shall then put to the witness such questions as it thinks necessary on behalf of the child and may for this purpose question the child in order to bring out or clear up any point arising out of any such assertions.

### **Defendant to be told of right to give evidence and call witnesses**

8. If it appears to the court, after hearing the evidence in support of the charge or application, that a prima facie case is made out, the child shall, if he is not the applicant and is not legally represented, be told that he may give evidence or address the court, and the evidence of any witnesses shall be heard.