

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

##### *The Probation Act (Northern Ireland) 1950 (c. 7 (N.I.))*

2. In section 1(3) for “the next following section” substitute “sections 2, 2A and 2B” and for “sub-section (2) of section seven of this Act” substitute “Article 3 of the Criminal Justice (Northern Ireland) Order 1980”.

3. In section 1(4)(b) for the words from the beginning to “required to reside” substitute “where the order contains any such requirements, the place where, and the period for which, he is required to reside”.

4. In section 1(6) for “institution in which the probationer is required by the order to reside” substitute “place at which the probationer is required by the order to reside, present himself or attend”.

5. In section 1(7) for “requirement as to residence in any institution” substitute “requirements relating to the residence of the offender”.

6. In section 4 for subsections (3) and (4) substitute—

“(3) If it is proved to the satisfaction of the court of summary jurisdiction before which a probationer appears or is brought under this section that the probationer has failed to comply with any of the requirements of the probation order, that court may deal with him in respect of the failure in any one of the following ways, that is to say—

- (a) it may impose on him a fine not exceeding £400;
- (b) subject to subsection (7), it may make a community service order in respect of him;
- (c) in a case to which section 135 of the Children and Young Persons Act (Northern Ireland) 1968 applies, it may make an order under that section requiring him to attend at an attendance centre;
- (d) where the probation order was made by a court of summary jurisdiction, it may deal with him, for the offence in respect of which the probation order was made, in any manner in which it could deal with him if it had just convicted him of that offence;
- (e) where the probation order was made by the Crown Court, it may commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the Crown Court.

(4) Where the court of summary jurisdiction deals with the case as provided in subsection (3)(e), the court shall send to the Crown Court a certificate signed by a resident magistrate, certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case as may be desirable, and a certificate purporting to be so signed shall be admissible as evidence of the failure before the Crown Court.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4A) Where a court of summary jurisdiction has committed a probationer to custody under subsection (3)(e), that court or any other court of summary jurisdiction acting for the same petty sessions district as that court may at any time before the first sitting of the Crown Court to which he has been committed release him on bail (with or without sureties) until he can appear before the Crown Court.

(4B) Where by virtue of subsection (3)(e) the probationer is brought or appears before the Crown Court and it is proved to the satisfaction of that court that he has failed to comply with any of the requirements of the probation order, that court may deal with him in respect of the failure in any one of the following ways, that is to say—

- (a) it may impose on him a fine not exceeding £400;
- (b) subject to subsection (7), it may make a community service order in respect of him;
- (c) in a case to which section 135 of the Children and Young Persons Act (Northern Ireland) 1968 applies, it may make an order under that section requiring him to attend at an attendance centre;
- (d) it may deal with him, for the offence in respect of which the probation order was made, in any manner in which it could deal with him if it had just convicted him of that offence.

(4C) Any exercise by a court of its powers under subsection (3)(a), (b) or (c) or (4B)(a), (b) or (c) shall be without prejudice to the continuance of the probation order.”.

7. In section 8(1) for paragraph (a) substitute—

- “(a) where the offender did not plead guilty or admit the offence charged he may appeal against his conviction—
  - (i) where he is convicted by the Crown Court, to the Court of Appeal in accordance with the provisions of the Criminal Appeal (Northern Ireland) Act 1980; or
  - (ii) where he is convicted by a magistrates' court, to the county court in accordance with the provisions of Part XII of the Magistrates' Courts (Northern Ireland) Order 1981; and”.

8. In Schedule 2 in paragraph 3 for “sections one and two” substitute “sections 1 to 2B” and for “in any institution” substitute “at any place” and in paragraph 4 for “Northern Ireland Hospitals Authority” substitute “health and social services board” and for “Authority” (twice) substitute “board”.