

**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 1996, Cross Heading: Powers of court of summary jurisdiction is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

#### ENFORCEMENT ETC. OF COMMUNITY ORDERS

#### PART II

#### BREACH OF REQUIREMENT OF ORDER

##### *Powers of court of summary jurisdiction*

**3.—**(1) [<sup>F1</sup>Where under paragraph 2 an offender is brought or appears before a court of summary jurisdiction and it is proved to the satisfaction of the court] that he has failed without reasonable excuse to comply with any of the requirements of the relevant order, the court may deal with him in respect of the failure in any one of the following ways, namely—

- (a) it may impose on him a fine not exceeding £1,000;
- (b) subject to paragraph 6(3) to (5), it may make a community service order in respect of him;
- (c) where the relevant order is a probation order and the case is one to which [<sup>F2</sup> Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies, it may make an order under that Article] requiring him to attend at an attendance centre; or
- (d) [<sup>F3</sup> . . . ], it may revoke the order and deal with him, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by the court of the offence.

(2) In dealing with an offender under sub-paragraph (1)(d), a court of summary jurisdiction—

- (a) shall take into account the extent to which the offender has complied with the requirements of the relevant order; and,
- (b) may assume, in the case of an offender who has wilfully and persistently failed to comply with those requirements, that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent.

(3) <sup>F4</sup> . . . . .

(4) <sup>F5</sup> . . . . .

**F1** Words in Sch. 2 para. 3(1) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(3); S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)

**F2** 1998 NI 9

**F3** Words in Sch. 2 para. 3(1)(d) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(4)(a), 102(2), Sch. 6 Pt. 1; S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)

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- F4** Sch. 2 para. 3(3) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(4)(b), 102(2), **Sch. 6 Pt. 1**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)
- F5** Sch. 2 para. 3(4) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(4)(b), 102(2), **Sch. 6 Pt. 1**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

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**Changes and effects yet to be applied to :**

- Instrument rev. in pt. by [1998 c. 40 s.9\(1\)\(2\)](#)[Sch.1 Pt.II para.10](#)[Sch.2 Pt.II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 9(1)(a)(i) words repealed by [2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)](#)[Sch. 9 Pt. 1](#)
- art. 44A(4) words substituted by [S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). It is thought that the correct affected document should be [S.I. 1998/1504 \(N.I. 9\)](#), art. 44A(4). The correction will be made as soon as we get the approved amended document from the relevant office)
- art. 53(1) art. 53 renumbered as art. 53(1) by [2019 c. 17 s. 44\(6\)](#)
- art. 53(1)(a) substituted by [2019 c. 17 s. 43\(2\)](#)
- art. 53(2)-(9) inserted by [2019 c. 17 s. 44\(7\)](#)
- art. 54A inserted by [2019 c. 17 s. 37\(3\)](#)