SCHEDULES

SCHEDULE 1

Articles 9(3) and 11(3).

ADDITIONAL REQUIREMENTS IN PROBATION ORDERS

Requirements as to residence

1.—(1) Subject to sub-paragraphs (2) and (3), a probation order may include requirements as to the residence of the offender.

(2) Before making a probation order containing any such requirement, the court shall consider the home surroundings of the offender.

(3) Where a probation order requires the offender to reside at any place, the period for which he is so required to reside shall be specified in the order.

Requirements as to activities etc.

2.—(1) Subject to the provisions of this paragraph, a probation order may require the offender—

(a) to present himself to a person or persons specified in the order at a place or places so specified;

(b) to participate or refrain from participating in activities specified in the order—

(i) on a day or days so specified; or

(ii) during the probation period or such portion of it as may be so specified.

(2) A court shall not include in a probation order a requirement such as is mentioned in sub-paragraph (1) unless—

(a) it has consulted a probation officer; and

(b) it is satisfied that it is feasible to secure compliance with the requirement.

(3) A court shall not include a requirement such as is mentioned in sub-paragraph (1)(a) or a requirement to participate in activities if it would involve the co-operation of a person other than the offender and the probation officer responsible for his supervision, unless that other person consents to its inclusion.

(4) A requirement such as is mentioned in sub-paragraph (1)(a) shall operate to require the offender—

(a) in accordance with instructions given by the probation officer responsible for his supervision, to present himself at a place or places for not more than 60 days in the aggregate; and

(b) while at any place, to comply with instructions given by, or under the authority of, the person in charge of that place.

(5) A place specified in an order shall have been approved by the Probation Board as providing facilities suitable for persons subject to probation orders.

(6) A requirement to participate in activities shall operate to require the offender—

(a) in accordance with instructions given by the probation officer responsible for his supervision, to participate in activities for not more than 60 days in the aggregate; and

(b) while participating, to comply with instructions given by, or under the authority of, the person in charge of the activities.

(7) Instructions given by a probation officer under sub-paragraph (4) or (6) shall, as far as practicable, be such as to avoid any interference with the times, if any, at which the offender normally works or attends a school or other educational establishment.

Requirements as to attendance at day centre

3.—(1) Subject to the provisions of this paragraph, a probation order may require the offender during the probation period to attend at a day centre specified in the order.

(2) A court shall not include such a requirement in a probation order unless—

(a) it has consulted a probation officer; and

(b) it is satisfied—

(i) that arrangements can be made for the offender's attendance at a centre; and

(ii) that the person in charge of the centre consents to the inclusion of the requirement.

(3) A requirement under sub-paragraph (1) shall operate to require the offender—

(a) in accordance with instructions given by the probation officer responsible for his supervision, to attend on not more than 60 days at the centre specified in the order; and

(b) while attending there to comply with instructions given by, or under the authority of, the person in charge of the centre.

(4) Instructions given by a probation officer under sub-paragraph (3) shall, so far as is practicable, be such as to avoid any interference with the times, if any, at which the offender normally works or attends a school or other educational establishment.

(5) References in this paragraph to attendance at a day centre include references to attendance elsewhere than at the centre for the purpose of participating in activities in accordance with instructions given by, or under the authority of, the person in charge of the centre.

(6) In this paragraph "day centre" means premises—

(a) at which non-residential facilities are provided for use in connection with the rehabilitation of offenders; and

(b) which—

(i) are provided by the Probation Board; or

(ii) are for the time being approved by the Probation Board as providing facilities suitable for persons subject to probation orders.

Requirements as to treatment for mental condition etc.

4.—(1) This paragraph applies where a court proposing to make a probation order is satisfied on the oral or written evidence of a registered medical practitioner appointed by **[**[F1]the Health and Social Care Regulation and Quality Improvement Authority**]** for the purposes of Part II of the Mental Health (Northern Ireland) Order 1986, that the mental condition of the offender—

(a) is such as requires and may be susceptible to treatment; but

(b) is not such as to warrant his detention in pursuance of a hospital order under Part III of that Order.

(2) The probation order may include a requirement that the offender shall submit during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a registered medical practitioner with a view to the improvement of the offender's mental condition.

(3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say —

(a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Mental Health (Northern Ireland) Order 1986 approved by the Department of Health and Social Services for the purposes of this paragraph; or

(b) treatment by or under the direction of such registered medical practitioner as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b).

(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his mental condition unless it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as an in-patient).

(5) While the offender is under treatment as an in-patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

(6) Where the medical practitioner by whom or under whose direction an offender is being treated for his mental condition in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at a hospital or place which—

(a) is not specified in the order; and

(b) is one in or at which the treatment of the offender will be given by or under the direction of a registered medical practitioner,

he may, with the consent of the offender, make arrangements for him to be treated accordingly.

(7) Such arrangements as are mentioned in sub-paragraph (6) may provide for the offender to receive part of his treatment as an in-patient in a hospital or place notwithstanding that the hospital or place is not one which could have been specified for that purpose in the probation order.

(8) Where any such arrangements as are mentioned in sub-paragraph (6) are made for the treatment of an offender—

(a) the medical practitioner by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the hospital or place in or at which the treatment is to be carried out; and

(b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.

(9) Article 60 of the Mental Health (Northern Ireland) Order 1986 (written medical reports as evidence) shall apply for the purposes of this paragraph as it applies for the purposes of Part III of the Order.

F1 Words in Sch. 1 para. 4(1) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 16(2)**; S.R. 2009/114, **art. 2**

Requirements as to treatment for drug or alcohol dependency

5.—(1) This paragraph applies where a court proposing to make a probation order is satisfied—

(a) that the offender is dependent on [F2]drugs or alcohol;

(b) that his dependency caused or contributed to the offence in respect of which the order is proposed to be made; and

(c) that his dependency is such as requires and may be susceptible to treatment.

(2) The probation order may include a requirement that the offender shall submit, during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a person having the necessary qualifications or experience with a view to the reduction or elimination of the offender's dependency on [F2]drugs or alcohol.

(3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say —

(a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 approved by the Department of Health and Social Services for the purposes of this paragraph; or

(b) treatment by or under the direction of such person having the necessary qualifications or experience as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b).

(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his dependency on [F2]drugs or alcohol unless it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as an in-patient).

(5) While the offender is under treatment as an in-patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

(6) Where the person by whom or under whose direction an offender is being treated for dependency on [F2]drugs or alcohol in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at a hospital which—

(a) is not specified in the order; and

(b) is one in or at which the treatment of the offender will be given by or under the direction of a person having the necessary qualifications or experience,

he may, with the consent of the offender, make arrangements for him to be treated accordingly.

(7) Such arrangements as are mentioned in sub-paragraph (6) may provide for the offender to receive part of his treatment as an in-patient in a hospital notwithstanding that the hospital is not one which could have been specified for that purpose in the probation order.

(8) Where any such arrangements as are mentioned in sub-paragraph (6) are made for the treatment of an offender—

(a) the person by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the hospital in or at which the treatment is to be carried out; and

(b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.

(9) In this paragraph the reference to the offender being dependent on [F2]drugs or alcohol includes a reference to his having a propensity towards the misuse of [F2]drugs or alcohol, and references to his dependency on [F2]drugs or alcohol shall be construed accordingly.

F2 prosp. rep. by 1998 NI 20

SCHEDULE 2 Article 16.

ENFORCEMENT ETC. OF COMMUNITY ORDERS

PART I

PRELIMINARY

1. [F3]In this Schedule—

"relevant order" means a probation order [F3] or a community service order; and

[F4]…[F3]

F3 prosp. insertion by 1998 NI 20
F4 Words in Sch. 2 para. 1(1) repealed (31.10.2016) by virtue of Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

PART II

BREACH OF REQUIREMENT OF ORDER

Issue of summons or warrant

2.—(1) If at any time while a relevant order is in force in respect of an offender it appears on complaint to a justice of the peace that the offender has failed to comply with any of the requirements of the order, the justice may —

(a) issue a summons requiring the offender to appear at the place and time specified in it; or

(b) if the complaint is in writing and on oath, issue a warrant for his arrest.

[[F5](2) Any summons or warrant issued under this paragraph shall direct the offender to appear or be brought—

(a) in the case of a drug treatment and testing order, before the court responsible for the order;

(b) in the case of any other order—

(i) if the order was made by the Crown Court, before that court;

(ii) if the order was made by a magistrates' court, before a court of summary jurisdiction [F6]….

(3) If—

(a) a warrant is issued under this paragraph requiring an offender to be brought before the Crown Court, and

(b) the offender cannot forthwith be brought before the Crown Court because it is not being held,

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court [F7]....

(4) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (3), that court shall commit the offender in custody or on bail to the Crown Court.**]**

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

F6 Words in Sch. 2 para. 2(2)(b)(ii) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F7 Words in Sch. 2 para. 2(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(c), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Powers of court of summary jurisdiction

3.—(1) **[**[F8]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**[**[F9] 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) [F10]. . . , 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) [F11]. . . . . .

(4) [F12]. . . . . .

F8 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)

F9 1998 NI 9

F10 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)

F11 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)

F12 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)

Powers of Crown Court

4.—(1) Where[F13]. . . . . an offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements of the relevant order, that 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**[**[F14] 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) 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 or before the court of the offence.

(2) In dealing with an offender under sub-paragraph (1)(d), the Crown court—

(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) In proceedings before the Crown Court under this paragraph any question whether the offender has failed to comply with the requirements of the relevant order shall be determined by the court and not by the verdict of a jury.

F13 Words in Sch. 2 para. 4(1) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(5), 102(2), **Sch. 6 Pt. 1**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

F14 1998 NI 9

Exclusions

5.—(1) Without prejudice to paragraphs 7 and 8, an offender who is convicted of a further offence while a relevant order is in force in respect of him shall not on that account be liable to be dealt with under paragraph 3 or 4 in respect of a failure to comply with any requirement of the order.

(2) An offender who [F15]is required by a probation order to submit to treatment for his mental condition, or his dependency on drugs or alcohol, shall not be treated for the purposes of paragraph 3 or 4 as having failed to comply with that requirement on the ground only that he has refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.

F15 prosp. subst. by 1998 NI 20

Supplemental

6.—(1) Any exercise by a court of its powers under paragraph 3(1)(a), (b) or (c) or 4(1)(a), (b) or (c) shall be without prejudice to the continuance of the relevant order.

(2) A fine imposed under paragraph 3(1)(a) or 4(1)(a) shall be deemed for the purposes of any statutory provision to be a sum adjudged to be paid by a conviction.

(3) The number of hours which an offender may be required to work under a community service order made under paragraph 3(1)(b) or 4(1)(b)—

(a) shall be specified in the order and shall not exceed 60 in the aggregate; and

(b) where the relevant order is a community service order, shall not be such that the total number of hours under both orders exceeds the maximum specified in Article 13(2).

(4) Article 13(4) and, so far as applicable—

(a) the provisions of this Order relating to community service orders; and

(b) the provisions of this Schedule so far as so relating,

shall have effect in relation to a community service order under paragraph 3(1)(b) or 4(1)(b) as they have effect in relation to a community service order in respect of an offender.

(5) Where the provisions of this Schedule have effect as mentioned in sub-paragraph (4), the powers conferred by those provisions to deal with the offender for the offence in respect of which the community service order was made shall be construed as powers to deal with the offender for the failure to comply with the requirements of the relevant order in respect of which the community service order was made.

(6) In its application to combination orders, sub-paragraph (3) shall have effect as if the reference to Article 13(2) were a reference to Article 15(1).

PART III

REVOCATION OF ORDER

Revocation of order with or without re-sentencing

7.—(1) This paragraph applies where a relevant order **[**[F16]made by a magistrates' court**]** is in force in respect of any offender and, on the application of the offender or the responsible officer, it appears to a court of summary jurisdiction [F17]... that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—

(a) that the order should be revoked; or

(b) that the offender should be dealt with in some other manner for the offence in respect of which the order was made.

[[F18](2) The court may—

(a) revoke the order; or

(b) revoke the order and deal with the offender, 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.**]**

(3) The circumstances in which a probation order may be revoked under **[**[F19]sub-paragraph (2)(a)**]** shall include the offender's making good progress or his responding satisfactorily to supervision.

(4) In dealing with an offender under **[**[F20]sub-paragraph (2)(b)**]**, a court of summary jurisdiction shall take into account the extent to which the offender has complied with the requirements of the relevant order.

(5) [F21]. . . . . .

(6) Where a court of summary jurisdiction proposes to exercise its powers under this paragraph otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

(7) No application may be made by the offender under sub-paragraph (1) while an appeal against the relevant order is pending.

F16 Words in Sch. 2 para. 7(1) inserted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **47(6)** ; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

F17 Words in Sch. 2 para. 7(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(d), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F18 Sch. 2 para. 7(2) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **47(7)**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

F19 Words in Sch. 2 para. 7(3) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **47(8)**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

F20 Words in Sch. 2 para. 7(4) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **47(9)**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

F21 Sch. 2 para. 7(5) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(10), 102(2), **Sch. 6 Pt. 1**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

8.—**[**[F22](1) This paragraph applies where —

(a) a relevant order made by the Crown Court is in force in respect of an offender and the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other way for the offences in respect of which the order was made; or

(b) an offender in respect of whom a relevant order is in force is convicted of an offence before the Crown Court.**]**

(2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—

(a) revoke the order; or

(b) revoke the order and deal with the offender, 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 or before the court of the offence.

(3) The circumstances in which a probation order may be revoked under sub-paragraph (2)(a) shall include the offender's making good progress or his responding satisfactorily to supervision.

(4) In dealing with an offender under sub-paragraph (2)(b), the Crown Court shall take into account the extent to which the offender has complied with the requirements of the relevant order.

[[F23](5) Where this paragraph applies by virtue of sub-paragraph (1)(a) and the Crown Court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

(6) No application may be made by the offender under sub-paragraph (1)(a) while an appeal against the relevant order is pending.**]**

F22 Sch. 2 para. 8(1) substituted (6.10.2008) for Sch. 2 para. 8(1)(1A) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **47(11)**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

F23 Sch. 2 para. 8(5)(6) added (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **47(12)**; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

Revocation of order following custodial sentence

9.—(1) This paragraph applies where—

[F24](a) an offender in respect of whom a relevant order is in force is convicted of an offence before a court of summary jurisdiction other than a court of summary jurisdiction acting for the petty sessions district concerned; and

(b) the court imposes a custodial sentence on the offender.

(2) If it appears to the court, on the application of the offender or the responsible officer, that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may—

(a) if the order was made by a magistrates' court revoke it; and

(b) if the order was made by the Crown Court, commit the offender to custody or release him on bail until he can be brought or appear before the Crown Court.

(3) Where the court deals with an offender's case under sub-paragraph (2)(b), it shall send to the Crown Court such particulars of the case as may be desirable.

F24 prosp. subst. by 1998 NI 20

10. Where by virtue of paragraph 9(2)(b) an offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the relevant order was made, the Crown Court may revoke the order.

Supplemental

11.—(1) On the making under this Part of an order revoking a relevant order, the clerk to the court shall forthwith give copies of the revoking order to the responsible officer.

(2) A responsible officer to whom in accordance with sub-paragraph (1) copies of a revoking order are given shall give a copy to the offender and to the person in charge of any institution in which the offender was required by the order to reside.

(3) Where a probation order is in force in respect of an offender under the age of 21 years who is subsequently committed to[F25] a**[**[F26] juvenile justice centre under the Criminal Justice (Children) (Northern Ireland) Order 1998**]** or to a young offenders centre, the probation officer who supervises the case shall send such documents and information relating to the case as he considers likely to be

of assistance to[F25] the**[**[F26] managers of the juvenile justice centre**]** or, as the case may be, the governor of the young offenders centre.

F25 prosp. insertion by 2002 c. 26
F26 1998 NI 9

PART IV

AMENDMENT OF ORDER

Amendment by reason of change of residence

[F27]**12.** . . . . . .

F27 Sch. 2 para. 12 repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(f), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Amendment of requirements of probation order

13.—(1) **[**[F28]A court of summary jurisdiction**]** may, on the application of the offender or the + responsible officer, by order amend a probation order—

(a) by cancelling any of the requirements of the order; or

(b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were then making the order.

(2) A court of summary jurisdiction shall not amend a probation order under sub-paragraph (1)—

(a) by reducing the probation period, or by extending that period beyond the end of 3 years from the date of the original order; or

(b) by inserting in it a requirement that the offender shall submit to treatment for his mental condition, or his dependency on drugs or alcohol, unless the amending order is made within 3 months after the date of the original order.

(3) In this paragraph and paragraph 14, references to the offender's dependency on drugs or alcohol include references to his propensity towards the misuse of drugs or alcohol.

F28 Words in Sch. 2 para. 13(1) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 112(5)(g)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

14.—(1) Where the medical practitioner or other person by whom or under whose direction an offender is being treated for his mental condition, or his dependency on drugs or alcohol, in pursuance of any requirement of a probation order—

(a) is of the opinion mentioned in sub-paragraph (2); or

(b) is for any reason unwilling to continue to treat or direct the treatment of the offender,

he shall make a report in writing to that effect to the responsible officer and that officer shall apply under paragraph 13 to a court of summary jurisdiction [F29]... for the variation or cancellation of the requirement.

(2) The opinion referred to in sub-paragraph (1) is—

(a) that the treatment of the offender should be continued beyond the period specified in that behalf in the order;

(b) that the offender needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order;

(c) that the offender is not susceptible to treatment; or

(d) that the offender does not require further treatment.

F29 Words in Sch. 2 para. 14(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(h), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F30

F30 prosp. insertion by 1998 NI 20

Extension of community service order

15. Where—

(a) a community service order is in force in respect of any offender; and

(b) on the application of the offender or the responsible officer, it appears to a court of summary jurisdiction [F31]... that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,

the court may, in relation to the order, extend the period of 12 months specified in Article 14(2).

F31 Words in Sch. 2 para. 15(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(i), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Supplemental

16. No order may be made under paragraph 12, and no application may be made under paragraph 13 or 15 [F32], while an appeal against the relevant order is pending.

F32 prosp. insertion by 1998 NI 20

17.—(1) Subject to sub-paragraph (2), where a court proposes to exercise its powers under this Part, otherwise than on the application of the offender, the court—

(a) shall summon him to appear before the court; and

(b) if he does not appear in answer to the summons, may issue a warrant for his arrest;

and the court shall not amend a relevant order under this Part unless the offender expresses his willingness to comply with the requirements of the order as amended.

(2) This paragraph shall not apply to an order cancelling a requirement of a relevant order or reducing the period of any requirement[F33]....

F33 Words in Sch. 2 para. 17(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(j), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

18.—(1) On the making under this Part of an order amending a relevant order [F34], the clerk to the court shall **[**[F35]forthwith give copies of the amending order to the responsible officer**]** .

[F34](2) A responsible officer to whom in accordance with sub-paragraph (1) [F34]copies of an order are given shall give a copy to the offender and to the person in charge of any institution in which the offender is or was required by the order to reside.

(3) Where a probation order is in force in respect of an offender under the age of 21 years who is subsequently committed to[F36] a**[**[F37] juvenile justice centre under the Criminal Justice (Children) (Northern Ireland) Order 1998**]** or to a young offenders centre, the probation officer who supervises the case shall send such documents and information relating to the case as he considers likely to be of assistance to[F36] the**[**[F37] managers of the juvenile justice centre**]** or, as the case may be, the governor of the young offenders centre.

F34 prosp. insertion by 1998 NI 20
F35 Words in Sch. 2 para. 18(1) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 112(5)(k)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
F36 prosp. insertion by 2002 c. 26
F37 1998 NI 9

Schedules 3#5—Amendments

SCHEDULE 6

Article 58(2).

TRANSITIONAL PROVISIONS AND SAVINGS

1. Each of Articles 8 to 11, 13, 15, 19 to 33, 36 and 37 shall apply in relation to offenders convicted (but not sentenced) before the date on which that Article comes into operation as it applies in relation to offenders convicted after that date.

2. Neither paragraph (2) of Article 6, nor the repeal by this Order of section 8 of the Probation Act (Northern Ireland) 1950, shall affect the operation of section 8 in relation to persons placed on probation before the date of the coming into operation of that paragraph or, as the case may be, that repeal.

3. An order made under Article 49(5) or 50(2) of the Mental Health (Northern Ireland) Order 1986 (court order to admit person to a hospital) before the date on which Article 53 comes into operation shall after that date be treated as an order made under Article 50A(2) of that Order together with a restriction order made without limit of time.

Schedule 7—Repeals

Changes to legislation:
The Criminal Justice (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 01 July 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.
View outstanding changes

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.10Sch.2 Pt.II
- art. 2(2) words repealed by S.I. 2008/1216 (N.I.) Sch. 6 Pt. 1
- art. 2(8) repealed by S.I. 2008/1216 (N.I.) Sch. 6 Pt. 1
- art.6 excl.in pt. (prosp.) by S.I. 1999/23 s.2(6)(b)
- art. 6 excluded by S.I. 1993/1576 (N.I.), art. 11B(6)(a) (as inserted) by 2021 c. 2 (N.I.) s. 36
- art. 22(5) words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 16(1) (Amendment not applied - affected provision already repealed (1.4.2009) by SI 2008/1216 (N.I. 1), Sch. 6 Pt. 1; SR 2009/120)
- arts.26-28 extended by 1997 c. 43 s.41Sch.1 Pt.II para.12(2)(a)(5)
- arts.26-28 extended by 1997 c. 43 s.41Sch.1 Pt.II para.13(2)(a)(5)
- arts.26-28 extended by 1997 c. 43 s.41Sch.1 Pt.II para.12(2)(a)(5)
- arts.26-28 extended by 1997 c. 43 s.41Sch.1 Pt.II para.13(2)(a)(5)
- art. 26(2) words substituted by 2015 c. 9 (N.I.) Sch. 1 para. 112(3)
- art. 39(3) words substituted by S.I. 2008/1216 (N.I.) Sch. 5 para. 7(8) (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. 39(3). The correction will be made as soon as we get the approved amended document from the relevant office.)
- art. 54(3)(a) word inserted by 2019 c. 17 s. 34(2)(a)
- art. 54(3)(b) and word omitted by 2019 c. 17 s. 34(2)(b)
- art. 54(4) words substituted by 2019 c. 17 s. 37(2)
- art. 57 words repealed by S.I. 2008/1216 (N.I.) Sch. 6 Pt. 1

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)